

Compliance Assessment Report CAR_NRW0046085

Permit being assessed: BL4567IZ.

For: Clydach Nickel Refinery, **held by:** Vale Europe Limited

At: CLYDACH REFINERY, Clydach, Swansea, Swansea, SA6 5QR.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 31/12/2024.

Parts of permit assessed: See details.

NRW Lead Officer: Michael Launder.

Report sent to: Sustainability Supervisor, Vale Europe, on 06/02/2025.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3A(2) - Installations - Emissions and monitoring - Emissions to air	C3 Minor	3.1.2
IR3A(2) - Installations - Emissions and monitoring - Emissions to air	C3 Minor	3.1.2
IR3A(2) - Installations - Emissions and monitoring - Emissions to air	C3 Minor	3.1.2
IR3A(1) - Installations - Emissions and monitoring - Emissions to water	Assessed (A)	
IR3E - Installations - Emissions and monitoring - Monitoring	Assessed (A)	
IR4B - Installations - Information - Reporting	Assessed (A)	
IR4C - Installations - Information - Notification	Assessed (A)	

Result types are explained in more detail in the 'Important Information' section below.

Total non-compliances recorded	Total non-compliance score
3	12

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
IR3A(2)	Operator to submit to a summary of the maintenance investigation outcomes to NRW.	31/03/2025
IR3A(2)	Operator to submit application for variation of permit emission limits to NRW.	30/06/2025
IR3A(2)	Operator to submit application for variation of permit emission limits to NRW.	30/06/2025

Compliance criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

Introduction

This CAR form has been issued in response to the submission of the quarterly and annual 2024 monitoring returns by the operator, and other compliance notifications for 2024.

Quarterly and Annual Returns

The returns required by permit condition 4.2.3 Reporting were submitted to NRW within the specified reporting period:

- The Q1 (January to March 2024) submission included all the results for quarterly parameters required over this period.
- The Q2 (April to June 2024) submission included all the results for quarterly parameters required over this period.
- The Q3 (July to September 2024) submission included all the results for quarterly parameters required over this period.
- The Q4 (October to December 2024) submission included all the results for quarterly parameters required over this period.
- The six monthly (January to June 2024 / July to December 2024) submissions included all the results for half-yearly parameters required over this period.
- The annual (2024) submission included all the results for annual parameters required over this period.

The reported emissions were within the emission limits specified in the permit for the above

monitoring periods, with the exception of the Schedule 5 reports for exceedances of emission limits outlined below.

Schedule 5 Notifications

Quarter 1 (January to March 2024)

A Schedule 5 notification submitted to NRW on 25 April 2024 gives the measured annual dust result for 2024 at A46 (Filtered extract from FMW off-loading area – Recovery Conveyor System) as 25.48 mg/m³ against the permit limit of 5mg/m³.

The suspected cause of this exceedance is reported to be corrosion and deterioration of ducting, causing elevated dust levels at the outlet point.

The measures taken to prevent the incident recurring are reported as "*Maintenance plan deep dive required by Engineering Team to review the integrity of the asset and provide a business case for re-design of the LEV system in the area with the aim of replacement or removal of the LEV unit.*" The operator also reported that ducting and filters were to be cleaned and changed.

Compliance: The above result is in exceedance of the emission limits set in the permit for A46 and in breach of condition 3.1.2. A non-compliance score of C3 against the criteria IR3A (2) Emissions to air has been allocated to this breach for the January to March 2024 reporting period.

Action: Operator to submit to a summary of the maintenance investigation outcomes to NRW.

Quarter 4 (October to December 2024)

A Schedule 5 notification submitted to NRW on 3 December 2024 reported exceedances of the NOx limits of 100 mg/m³ at A1 (Kiln Plant Born Heater) and A27 (Hydrogen Plant Reformer Furnace and Flow Gas Heaters). The measured value at A1 on 7 October 2024 was reported as 130 mg/m³ and the measured value at A27 on 8 October was reported as 147 mg/m³.

Compliance: The above results are in exceedance of the emission limits set in the permit for A1 and A27 and in breach of condition 3.1.2. Non-compliance scores of C3 against the criteria IR3A (2) Emissions to air have been allocated to each breach for the October to December 2024 reporting period.

We have consolidated the non-compliances for NOx emission limit breaches into one for the Q4 reporting period.

A Schedule 5 notification submitted to NRW on 3 December 2024 reported an exceedance of the CO limit of 15 mg/m³ at A25 (Hydrogen Plant Vaporiser) on 11 October 2024 when the measure value was reported to be 21 mg/m³.

Compliance: The above result is in exceedance of the emission limits set in the permit for A25 and in breach of condition 3.1.2. A non-compliance score of C3 against the criteria IR3A (2) Emissions to air has been allocated for the October to

December 2024 reporting period.

For the all of the Q4 above exceedances, the operator reports that *"All points are fuelled by Natural Gas and the emission points are solely emitting combustion gases from the Medium Combustion Plant with no interaction with other plant operations. Equipment is operating at its optimal efficiency based on its age. Proposal to align the equipment with the Medium Combustion Plant Directive parameters for assets brought into operation before December 2018."* As discussed with the operator, this will need to be done through a permit variation.

Action: Operator to submit application for variation of permit emission limits to NRW.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or

suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within twenty working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 to 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.