

Compliance Assessment Report

Report ID:
CAR_NRW0035625

This form will report compliance with your permit as determined by an NRW officer

Site	Tremorfa Melt Shop	Permit Ref	TP3639BH		
Operator/Permit holder	Celsa Manufacturing UK Ltd				
Regime	Installations				
Date of assessment	28/10/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	1.1.1, 3.2.1				
Lead officer's name	Richards, Gareth (Rivers House)				
Accompanied by					
Recipient's name/position	Richard Lewis/Gabriella Nizam/ Environment Team	Date issued	29/10/2019		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
C2 - General Management - Management system and operating procedures	C3	1.1.1
F4 - Amenity - Pests/birds and scavengers	C3	3.2.1

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	8
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

This CAR form has been prepared in order to document the enforcement response for Celsa Manufacturing (UK) Ltd. following the fly infestation incident that NRW were first informed about on Friday 5th July 2019 by Cardiff City Council. Celsa provided a Schedule 5 dated 12th July 2019.

Cardiff City Council and NRW received a high volume of complaints associated with excessive flies in domestic properties. This was a very difficult time for many residents in the local area as it coincided with extended periods of very warm weather.

Celsa have already been in receipt of CAR forms; NRW0035434, NRW0035486 and NRW0035612 following NRW's first and subsequent visits to the installation to assess the situation, review Celsa's ongoing actions and witness the remaining inventory of scrap cans.

Following the initial notification that flies were affecting the local community to a significant extent and confirmation that Celsa's inventory of scrap steel cans was the source (as substantiated during the initial visit to Celsa when there was a very large population of flies in the vicinity of and on the scrap inventory), Celsa have responded quickly and effectively to resolve the issue. All remedial actions identified by NRW have been carried out. These have included;

- suspending further contracts for receipt of scrap steel cans
- maximising the use of the existing scrap steel can inventory in the EAF
- regular spraying of the remaining stockpiles
- increasing the number of boundary fly traps together with the frequency of replacement
- direct contact with complainants and assistance with incurred costs

These actions led to a quick resolution (as witnessed by follow up site visits), however, the fly population in the local community was understandably slower to respond. However, over time the number of complaints received by NRW and Cardiff City Council declined.

This is a situation that should **not** have arisen in the first instance if Celsa had been effectively managing the stockpile. Celsa were clearly aware that there was an on site issue associated with flies as they had deployed traps along the boundary fenceline prior to being made aware that there was an off site issue. Cardiff City Council had been following up reports of excessive flies for some time and had investigated other potential industrial sources before it was confirmed Celsa was the source. In addition, several of the complainants that NRW spoke to had mentioned that the problem was evident in previous years and typically it started in April. Celsa's pest control contractor had also advised that the normal fly breeding season was April to September.

Two Cat3 non-compliances have been recorded, as detailed below. NRW consider it appropriate to reinforce this by means of a Site Warning letter.

In order to ensure all measures are taken to prevent a similar occurrence in following years the following action must be completed.

Action (1) Celsa must prepare a management plan specifically for the storage of scrap steel cans that are always likely to arrive on site with some contamination that makes them attractive to flies. The plan should include procedures that ensure the scrap steel inventory is minimised during the normal breeding months (April to September) and that active control measures are used to ensure the inventory does not support breeding flies. A copy of the plan is to be provided to NRW by 30th November 2019.

EPR Compliance Assessment Report

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Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
C2	C3	Incorporate appropriate management controls such that the storage of scrap steel cans does not lead to off site environmental impact	30/11/2019
F4	C3	Implement appropriate control strategies so stored scrap steel cans are not used as a breeding ground for flies	30/11/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.