

Compliance Assessment Report

Report ID:
CAR_NRW0036186

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

Site	Newport Semiconductor Plant EPR/BV7460ID	Permit Ref	BV7460ID		
Operator/Permit holder	Newport Wafer Fab Limited				
Regime	Installations				
Date of assessment	09/01/2020	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Schedule 1 Notification - Fugitive emission of HCl				
Lead officer's name	Green, Rebecca				
Accompanied by					
Recipient's name/position	Sarah Underwood/ Environmental Engineer	Date issued	20/01/2020		

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
A1 - Specified by permit	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	X	
C1 - General Management - Staff competency/training	C3	2.3.3 & 2.3.4 Training & training records
C2 - General Management - Management system and operating procedures	X	
E1 - Emissions - Air	C4	2.2.4 Fugitive emissions to air
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	X	

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)	4.1
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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

On 10th January 2020 Newport Wafer Fab (NWF) informed Natural Resources Wales (NRW) that there had been a fugitive emission of hydrochloric acid (HCl) vapour on 9th January 2020. The emission occurred during a delivery of HCl to the effluent treatment plant (ETP) and the release to air was estimated to be 8.8m³.

Neither NWF nor NRW have received any complaints to date about this incident.

NWF have already identified several corrective actions, (given below) and they intend to have these in place before the next HCl delivery is due.

The scrubber for the HCl storage tank was not operating because the water supply to the scrubber had not been turned on before the delivery was discharged to the storage tank. HCl vapour was thus able to escape to atmosphere.

"Job Element Sheet - F11 ETP HCl tank scrubber use" clearly calls for the water to the scrubber to be turned on before the delivery to the storage tank begins. It is a clear and unambiguous work instruction which does not seem to have been followed on this occasion.

There does not appear to be a requirement for written confirmation that procedures were followed during a delivery. NWF may like to consider whether the use of a simple check list for each delivery would be appropriate for this operation.

Action 1: Ensure training for all relevant staff is up to date and recorded, that procedures are up to date, staff can access them easily and that they are followed.

To be put in place immediately, or as a minimum before the next bulk chemical delivery.

Evidence to be supplied to NRW by 14th February 2020.

Action 2: Follow operating procedures to ensure that the scrubber is operating correctly before allowing the discharge of a chemical delivery to begin.

To be put in place immediately, or as a minimum before the next bulk chemical delivery.

Evidence that procedures have been reviewed and circulated to all relevant staff to be sent to NRW by 14th February 2020.

Corrective Actions identified by NWF

- a). Staff re-training. This will address Actions 1 and 2 above.
- b). The valve controlling the water supply to the scrubber will be locked open.
- c). Flow meter to be installed so it will be evident if the water flow is not on.
- d). Visual and/or audible alarm to be installed to warn if the flow to the scrubber is inadequate.
- e). Maintenance Management System will be updated to ensure that the function of this new equipment is checked at appropriate intervals.

Items b). to e). above will address the actions described in Section 4 of this report.

NRW should be informed within 24 hours of any breach of permit conditions. This notification complied with that requirement, but NWF should have informed NRW by telephone as soon as the breach was noticed on 9th January. This would enable NRW to provide any complainants with timely, relevant information.

Action 3: In future, inform NRW by telephone as soon as any breach of permit conditions occurs. According to the nature of the breach, submission of a Schedule 1 Notification may not be necessary, but NRW must be informed as soon as reasonably practical.

NRW intend to visit NWF to observe the next delivery of bulk chemicals to confirm that all the actions are in place and are being followed. Supporting documentation and training procedures and records will also be inspected.

END.

EPR Compliance Assessment Report

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Operator/Permit holder	Newport Wafer Fab Limited	Date	09/01/2020

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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			
G4	X	Inform NRW of any breach of a permit condition as soon as possible. Submit the Schedule 1 Notification within 24 hours of the incident.	16/01/2020
B1	X	Install warning system to alert operator when there is no water flow in the scrubber.	14/02/2020
C2	X	Ensure that the scrubber is operating correctly before accepting a delivery and starting discharge of HCl to the storage tank.	14/02/2020
C1	C3	Ensure staff training is up to date and recorded, that they are aware of all relevant procedures and that they follow them.	14/02/2020
E1	C4	Prevent, as far as reasonably practical, fugitive emissions caused by delivery of chemicals.	14/02/2020

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.