

Compliance Assessment Report

Report ID:
CAR_NRW0036613

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

Site	Padeswood Cement Works	Permit Ref	BL10961B		
Operator/Permit holder	Castle Cement Limited				
Regime	Installations				
Date of assessment	14/05/2020	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Conditions 1.1.1 and 3.4				
Lead officer's name	Cubley, Lara				
Accompanied by					
Recipient's name/position	David Quick/ Plant Manager	Date issued	20/05/2020		

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
C2 - General Management - Management system and operating procedures	C3	3.4.2

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	1	Total compliance score (see section 5 for scoring scheme)	4
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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

INTRODUCTION

This Compliance Assessment Report (CAR) relates to noise. Section A relates to the requirement for a noise Best Available Techniques (BAT) review, Section B to requirements for a Noise Management Plan and Section C details feedback previously given to the Operator explaining why the level of information provided did not meet the requirements of a noise BAT review.

COMPLIANCE

Condition 3.4.2 requires the Operator to submit to Natural Resources Wales for approval a noise & vibration management plan which identifies and minimises the risks of pollution from noise and vibration. This was requested by NRW in CAR_NRW0036141 Action 2. However, the information provided does not adequately identify and minimise the risk of pollution from noise with a potential minor impact on local amenity/health (C2 – CCS = 3).

SECTION A

The following action requiring the Operator to complete several steps which amount to a BAT noise review was given in Compliance Assessment Report CAR_NRW0035353, as follows:

'NRW requires that Castle Cement Ltd completes an assessment of the appropriate measures in use and areas for improvement so as to prevent or where that is not practicable to minimise noise and vibration from the operation.

In particular by:

- Identifying contributory site sound sources and characteristics (including tonality, impulsivity, intermittency), including mobile and fixed plant.*
- Ranking those sources – both in terms of dB(A) and character at complaint, site boundary or other reference positions*
- Establishing the noise control options for the dominant source (or components thereof); repeat for the next most dominant sources.*
- Drawing up a schedule of noise reduction v cost and proposed remedial measures to achieve BAT as required.*

We recommend that you refer to the BRef and BAT Conclusions Documents for the Production of Cement, Lime and Magnesium Oxide for appropriate techniques to reduce or minimise noise emissions'.

The original deadline for the Operator to complete this noise BAT review was 20/12/19. However, an extension was granted to the new deadline of the 31/03/20.

To date we have received the following:

Date provided	Format	Document reference
20/12/19	e-mail/pdf	Hanson Cement – Padeswood Works Environmental

		Noise Assessment 2019 Doc. Ref. ENE-0751-Rev0
20/12/19	e-mail/pdf	Hanson Cement – Padeswood Noise Assessment Doc. Ref. ENE-0752-Rev0
20/04/20	e-mail/excel spreadsheet	Noise BAT Review April 2020
30/04/20	e-mail/pdf/photos	Hanson Cement Padeswood Mill 5 Noise Assessment 18 th February 2020 Doc. Ref. ENE-0804_Rev0 Remedial measures relating to tonal noise source of 1183Hz from elevator filter fan and 2 photos.
05/05/20	e-mail/pdf	Data summary 4 th May site visit 2020
05/05/20	e-mail/excel spreadsheet	Noise assessment ranking 4 th May 2020
05/05/20	e-mail Word document	Padeswood Noise Management Plan draft

On the 27/04/20 NRW e-mailed the Operator confirming that the information provided did not meet the requirements of the noise BAT review. This response is included in Section C of this report.

The Operator provided further documentation on the 05/05/20. We have reviewed this information and confirm that it still fails to meet the first two steps of the BAT review (identifying site sources and ranking them). No justification/rationale has been provided regarding the approach to ranking of noise sources based on characteristics and likely annoyance at receptors. In particular, the ranking exercise:

- Does not consider tonality, impulsivity, intermittency.
- Excludes sources where data is already available and/or that have been previously highlighted as having potential to cause annoyance, i.e Mills 3/5, disabs, air cannon. Yet includes the same sources on multiple occasions i.e. ID Fan FN03.
- Fails to consider the impact at receptors. Monitoring data provided is often taken at source and inside buildings. There is no data or rationale regarding the potential for annoyance at the various receptors i.e. elevated sources having increased likelihood for annoyance, screening of source by buildings, topography.

ACTION 1: The Operator must revise the ranking exercise addressing the shortcomings provided and submit this to NRW by **01/06/20**.

ACTION 2: The Operator must progress with subsequent steps of the noise BAT review as per the original action and submit this to NRW by **10/07/20**.

The Operator did commit to undertake an assessment of the control measures in place for the top 10 dominant noise sources identified against BAT by 30/05/2020 and a more detailed plan of action with timescales by the 30/06/2020. We would welcome such interim information should the Operator wish to submit this earlier than 10/07/20.

SECTION B

The Operator provided a Draft Noise Management Plan for review. This requires further work and in particular should consider:

- How regularly monitoring will be undertaken, what it's purpose and focus is and how it will

ensure it is representative over a range of operations and times.

- Locations of noise sources and receptors as well as suggested monitoring locations.
- Background and specific noise levels at receptors when plant is running.
- A summary of noise sources at the site with abatement actions taken to prevent or minimise noise and demonstrating BAT. This should consider both 'soft' management techniques (i.e. timings/hours of operations, methods of operation, planned maintenance/inspections, and change management) as well as 'hard' techniques such as acoustic cladding, mountings etc.

ACTION 3: The Operator must revise the Noise Management Plan to address the shortcomings above and re-submit as an interim plan to NRW by 01/06/20.

ACTION 4: On completion of the BAT review the Operator must update the noise management plan to include further management techniques and identified improvements and submit this revised copy to NRW by 10/07/20.

SECTION C – Response to Operator dated 27/04/20

Dear Stewart/David,

NRW is of the opinion that the information provided for the noise BAT review fails to meet the requirements of the original action as per Compliance Assessment Report CAR_NRW0035354, re-iterated in a site meeting on the 13/12/2019, (with extended deadline), and detailed again in Compliance Assessment Report CAR_NRW0036141. This is extremely disappointing considering you have now had in excess of 8 months to complete this assessment. To date we have received 2 monitoring reports and 1 BAT spreadsheet:

- Hanson Cement – Padeswood Works Environmental Noise Assessment 2019 Doc. Ref. ENE-0751-Rev0 received 20/12/19
- Hanson Cement – Padeswood Noise Assessment Doc. Ref. ENE-0752-Rev0 received 20/12/19
- Noise BAT Review April 2020 received 20/04/20

They do not meet our requirements specified because they fail to:

- Include monitoring data (evidence) to identify the contributory site sound sources and characteristics (including tonality, impulsivity, intermittency), including mobile and fixed plant.
- Rank those sources – both in terms of dB(A) and character at complaint, site boundary or other reference positions (again monitoring/evidence remains absent)
- Establish the noise control options for the dominant source (or components thereof); repeat for the next most dominant sources – what options have been assessed and by whom (acoustic engineer)?
- Include a schedule of noise reduction v cost and proposed remedial measures to achieve BAT as required.

Should you have any additional information that can meet the action requirements please submit this as soon as possible. I note from your e-mail of 20/12/19 that you planned to undertake further monitoring in the shutdown to assess non-production noise and then Kiln start up (January 2020), followed by mobile plant in March 2020. We also still await Action 2 CAR_NRW0036141 Noise Management Plan overdue 31/03/20. Please clarify your position by **06/05/20** even if it is to confirm the absence of further information.

In terms of the above BAT noise review information presented to date, we have provided initial comments attached in a word document. A response will be formalised in a Compliance Assessment Report in due course where we will consider compliance and associated enforcement response.

Comments on Noise BAT Review

Castle Cement
Padeswood Cement Works

Noise BAT Review April 2020 received 20/04/20

- The 'BAT spreadsheet' divides up the installation by areas of operation and includes various equipment from each of those areas. There is no apparent rationale (e.g. inclusion and ranking based on sound level measurement, tonality etc) as to why equipment is presented in the table and in many cases equipment that I would consider important to the BAT assessment are not present e.g. for the kiln system (covered by multiple tabs) the main kiln ID fan, kiln stack fan, raw mill fan, elevator gearbox and motor (top of PHT) to name a few, there are certainly more.
- Each item of equipment has been assessed against criteria a, b, c, d, e, f g, h, & i. I initially thought these were copied directly from BATC 2. However, on review of BATC 2 these criteria do not match and there are a significant number of other control techniques in BATC2 that are not in the table – again I'm unclear to why this approach has been taken.
- I haven't gone through the BAT table in fine detail but some comments stand out that may need some scrutiny/justification. For example the report states that the kiln shell cooling fans have 'acoustic cladding installed around them'. To my knowledge the cladding does not have any specified acoustic properties and does not fit closely around the fans in a manner that would achieve effective sound attenuation – BAT?

The BAT review does not address;

- any of the issues highlighted by the consultant following their monitoring of Cement Mill 3 that indicate BAT is not in use.

- any of the specific issues as identified by NRW's noise monitoring May – June 2019, including tonal, impulsive sound etc

The 'action plan' can be distilled as follows and is not apparently linked to any objective monitoring/diagnosis. Have any / will any of the remedial measures be prescribed by an acoustic engineer? Whilst many of the proposed improvements may be considered good general practice for noise and dust control they may have negligible impact to noise identified at the sensitive receptors as reported by NRW.

- Replace flashing on limestone intake conveyer (maintenance?)
- Install cladding, louvres, seal panels on CM5 associated plant and equipment and install pedestrian doors. Change the direction of filter BF03 outlet to point into the site boundary.
- Complete further monitoring of DISAB, coal screen and forklifts – why hasn't this been done in the last 9 months as part of this exercise?
- Raw mill chute, long running issues, works previously completed to mitigate stone noise, why no monitoring as part of this exercise?

Hanson Cement – Padeswood Works Environmental Noise Assessment 2019 Doc. Ref. ENE-0751-Rev0 received 20/12/19

- Monitoring is reportedly conducted during normal operations associated with the works – Please confirm whether Mill 3 running?
- It is not clear why some monitoring data is excluded – no logs of the attended monitoring are provided?
- The tone at 1181.3 Hz identified by the consultant during monitoring completed October 2019 (location S5) has not been addressed despite recommendations for further investigation.
- The choice of monitoring location S2 is not very good in the dip given a number of sensitive receptors in this location.
- No conclusions are provided in this report.

Hanson Cement – Padeswood Noise Assessment Doc. Ref. ENE-0752-Rev0 received 20/12/19

- Report mostly looks at Mill 3 as kiln went down and states further monitoring work will be undertaken when the site is fully operational. Where is this work?
- The report states that further investigations can be conducted to identify source of any tones evident at receptors when measurements are undertaken. Where are such further measurements?
- Where consultants have indicated issues of BAT what action has been undertaken?
- Was coal screening being undertaken during coal storage monitoring and has a further visit to measure activities been undertaken as suggested?
- What are the further sources of noise at Mill 3 that need further investigation as suggested Page 23 and have they been investigated?

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0036613**

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Site	Padeswood Cement Works	Permit Ref	BL10961B
Operator/Permit holder	Castle Cement Limited	Date	14/05/2020

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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	See Action 1 - 4 inclusive in report	10/07/2020

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.