

## Compliance Assessment Report CAR\_NRW0036954

**Permit being assessed:** TP3639BH.

For: Tremorfa Melt Shop , held by Celsa Manufacturing UK Ltd

At: Tremorfa Works New Melt Shop Seawall Road , Tremorfa, Cardiff, South Wales, CF24 5TH.

**Type of assessment carried out:** Report/Data Review, Reason: Routine.

On 23/09/2020.

Parts of permit assessed: Q2 returns

**NRW Lead Officer:** Richard Taylor.

**Report sent to:** Richard Lewis, Environmental Manager on 23/09/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor	1.1.1(a)

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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
G1	Action already taken to restore monitoring operation	Already completed

Action 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.

**At this time, we do not intend to take any further action.**

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

Celsa Tremorfa plant Q2 round-up (Apr-Jun inclusive 2020).

The Celsa site sent their Q2 (Apr-June inclusive) report to NRW which have now been evaluated along with any complaints over the period.

The site was issued a permit variation V009 which took effect 5<sup>th</sup> May 2020. This removed the requirement for A1 CO limits. Site now reports average particulates as monthly averages each quarter.

### 1. Q2 A1 stack return

These were within the permit limit of 5mg/m<sup>3</sup> as shown below;

Apr 1.64 mg/m<sup>3</sup>

May 2.36mg/m<sup>3</sup>

June 1.98 mg/m<sup>3</sup>

Schedule 5 returns for Q2.

### 2. Q2 TOPAS results

The maximum PM10 recording took place on 23<sup>rd</sup> June 2020 with a reading of 0.02998 mg/m<sup>3</sup> with the average over the 3-month period at 0.01213 mg.m<sup>3</sup>.

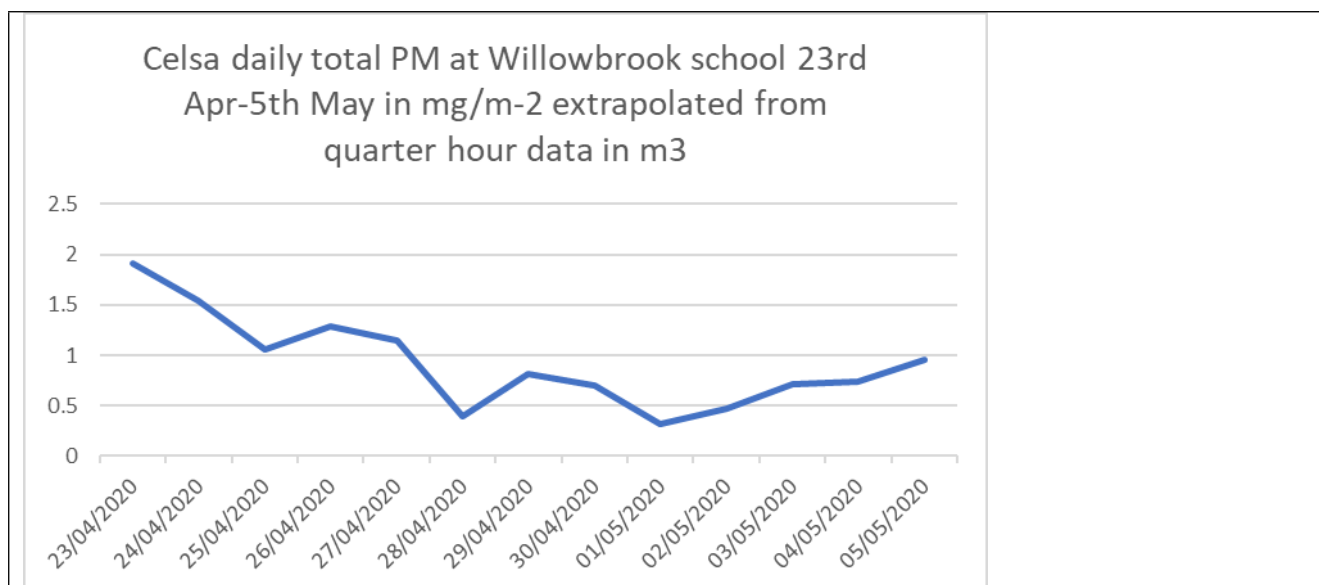
### 3. Q2 waste return

Site sent their quarterly waste return on time showing an import to site of 36,300 tonnes and a removal of 32,314 tonnes.

### 3. April CEMS failure

A CEMS malfunction took place on 23<sup>rd</sup> Apr 2020 at 20.59 hours which was reported to us on 29<sup>th</sup> Apr through a schedule 5 notification. A follow-up part B schedule 5 was sent on 5<sup>th</sup> May which reported an instrument failure which has now subsequently been fixed. The instrument failed to record the correct readings for PM emissions from the A1 stack for a period 23<sup>rd</sup> Apr through 5<sup>th</sup> May 2020.

No complaints were received by NRW for this period. However, a cross check on the raw data provided by the TOPAS monitor situated at the neighbouring Willowbrook school showed no spikes in PM10 (dust) concentrations. There is no set ambient air quality limits for dust, however from EA TGN M17 guidance at section 5.2.2 there is an outline 200 mg m<sup>-2</sup> day as a UK ambient average where actions above this level should be taken. The graph below is extrapolated from the quarter hour monitoring data of pm10's in m<sup>3</sup> (meters cubed) to give indicative results for daily concentrations in m<sup>-2</sup> (meters squared).



The wind data was also checked for the period. No correlation could be drawn from the wind direction. As the location of Willowbrook high school is largely to the north of the site, the highest daily readings would be expected to come when the wind direction is from the south. However, the largest daily total took place when the wind came from the East. According to this study, we conclude that there was no environmental effect from the lack of CEMS data on A1 stack over this period.

Nevertheless, the site is regulated under EPR regs and CCS guidance which are concerned with the potential to pollute. Permit conditions exist to ensure this potential is minimised. The CEMS is in place for that reason and its continual operation is necessary to reduce the risk of environmental harm by alerting the operator to any excess emission of dust from the plant so immediate action can be taken to minimise pollution and monitor the performance of the plant. The lack of a correctly functioning CEMS and the time lost in detecting the lack of data constitutes a breach of permit condition 1.1.1(b) which had the potential to cause pollution. The condition relates to not using sufficient resources to operate the facility in accordance with the environmental permit, in this case, a correctly operating CEMS.

The malfunction should have been identified when the error message appeared on 23<sup>rd</sup> April. (Note permit V008 was in place at this time with V009 being issued on 5<sup>th</sup> May 2020). Also 3.7.1(a) has been breached by not recording valid emissions readings for this period. The requirement for continuous monitoring is laid down at schedule 3 table S3.1. The breaches have been amalgamated into a single breach of permit condition 1.1.1(b) is identified as the root condition.

**1 x Cat 3 breach of permit condition 1.1.1(b) not using sufficient resources to operate a regulated facility by not measuring A1 PM10 material continuously, through the period 23<sup>rd</sup> Apr to 5<sup>th</sup> May 2020, and failure to act on a system error message. The permit breach carries the potential to cause a minor environmental harm without any actual harm being recorded in this case.**

#### **4. Dust complaint 13<sup>th</sup> May.**

A complaint was made against the site on 13<sup>th</sup> May 2020 ref WIRS lead to site investigation the possible causes. Subsequent gaps in the cladding of the building at 30m height was identified and subsequently repaired. NRW will not levy a permit breach for this occurrence in light of the positive action taken by site to carry out repairs immediately. Also, no excessive dust levels were independently confirmed. Wind on this day was coming from the North East heading South West. This would take any fugitive releases out to

Penarth and the sea. The CEMS data for the stack dust was provided by the site and shown to average 0.74mg/m<sup>3</sup> for the preceding 24 hours before the complaint, this is well below the site 5mg/m<sup>3</sup> permit limit.

The complainant was reporting a visible haze around the site without any negative effects. In this case, the information was helpful for the site to be informed of a possible problem which was corrected before any environmental effects therefore **NRW did not breach the site in this case.**

End.

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.

### **What are suspended scores?**

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 and Waste action criteria (used in section 1 and 2):**

#### **A: Permitted activities**

- A1 Specified by permit

#### **B: Infrastructure**

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

#### **C: General management**

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

#### **D: Incident management**

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

#### **E: Emissions**

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

#### **F: Amenity**

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

#### **G: Monitoring and records, maintenance and reporting**

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

#### **H: Resources efficiency**

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

### **Enforcement response**

Any permit condition non-compliance 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 20 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 – 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto: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](mailto: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.