

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

Site	Port Talbot Steelworks	Permit Ref	BL7108IM
Operator/Permit holder	Tata Steel UK limited		
Regime	Installation		
Date of assessment	26 June 2020		
Assessment type	Report/ Data Review		
Parts of the permit assessed	Loss of Boiler 7 A52B - CEMS		
Lead officer's name	Neil Herbert	Accompanied by	
Recipient's name/position	Claire Grainger – Environment Manager (S.H.E. Dept)	Date issued	8 th July 2020

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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	A	
B2 - Infrastructure - Closure and decommissioning	N	
B3 - Infrastructure - Site drainage engineering (clean and foul)	N	
B4 - Infrastructure - Containment of stored materials	N	
B5 - Infrastructure – Plant and equipment	A	
C1 - General Management - Staff competency/training	N	
C2 - General Management - Management system and operating procedures	N	
C3 - General Management - Materials acceptance	N	
C4 - General Management - Storage, handling labelling, labelling and Segregation	N	
D1 - Incident Management - Site security	N	
D2 - Incident Management - accidents, emergency and incident planning	A	
E1 - Emissions - Air	N	
E2 - Emissions - Land and groundwater	N	
E3 - Emissions - Surface water	N	
E4 - Emissions - Sewer	N	
E5 - Emissions - Waste	N	
F1 - Amenity - Odour	N	
F2 - Amenity - Noise	N	
F3 - Amenity - Dust/ fibres/ particulates/ litter	N	
F4 - Amenity - Pests/birds/scavengers	N	
F5 - Amenity - Deposits on road	N	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	3	3.6.1 & 3.5.1a
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	N	
G3 - Monitoring and Records, Maintenance and Reporting - Maintenance records	N	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	3	4.2.2
H1 - Resource Efficiency - Efficient use of raw materials	N	
H2 - Resource Efficiency - Energy efficiency	N	

KEY: See Section 4 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), N = Not Assessed, X= Action only

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

Introduction

On the 3rd of April 2020 Tata notified NRW that they had lost their Continuous Emissions Monitor (CEMs) serving Boiler 7 (listed as emission point A52B in the permit).

The cause was attributed to falling masonry within the emission stack, damaging the emission equipment.

The stack has since been classified as unsafe and immediate repair or replacement of CEMs is not feasible until the stack has been made safe and an inspection undertaken. The stack is over 121m tall.

An assessment of the works required to repair the CEMS will be undertaken in September 2020 when safe access to the stacks will be feasible. This will permit the operator to ascertain the level of work required to repair the damage within the stack and repair/replace any damaged CEMS. The works will need to be completed as soon as possible and no later than the 30th April 2021 (unless otherwise agreed with NRW). As consequence TATA will not have a CEMS system in place from April 2020 to at least September 2020 for emission point A52B, which is contrary to the requirements of the EPR permit.

In mitigation the operator has proposed the following measures:

- assessment of damage to CEMS during September 2020¹ (with immediate repairs if feasible)
- if immediate repairs not feasible in September 2020 the operator will need to ensure replacement systems are in place by 30th April 2021 (unless otherwise agreed by NRW);
- developed predictive emission models (PEMs) to forecast (NO_x, SO₂, PM and CO) emissions from the boiler during the eight-month period the CEMs will be unavailable;
- Tata will use this PEM system to manage and monitor the combustion process to indicate whether emissions are below the site's permitted emission limits;
- the use of Boiler 6 CEMs, which is still functional, to validate the performance of the Boiler 7 model;
- during the period of CEMs outage, optimal fuel mix conditions to the boiler will be maintained.

Compliance

- The failure to continuously monitor emissions, from the A52B emission point, between the April to June 2020 monitoring period is contrary to conditions 3.5.1a and 3.6.1 of the permit. A compliance classification score (ccs) of 3 has been allocated to this breach, against the g1 compliance heading. The breaches of conditions 3.5.1a and 3.6.1, over this monitoring period (April to June 2020), have been consolidated into a single score for this monitoring period.
- The failure to submit results for the A52B emission point is also a contrary to condition 4.2.2 of the permit. A compliance classification score (ccs) of 3 has been allocated to this breach, against the g4 compliance heading.

Note: NRW will suspend any subsequent ccs scores for breaches of condition: 3.5.1a, 3.6.1, 4.2.2 (relating only to the CEMs failure at A52B) from July until September 2020. This is on the proviso that the actions set out above (or any agreed with the operator thereafter) are completed to the deadlines specified. This is in accordance with NRW's CCS scoring guidance.

NRW will be issuing an EPR Regulation 36 notice to ensure that the operator takes the specified steps to restore the defective CEMs, to the deadline agreed in this report. This will be issued shortly.

End of section 2**Note: Novel Coronavirus (COVID -19)**

During the compiling of this report the novel coronavirus (COVID – 19) pandemic restrictions, has resulted in the imposition of several stringent measures across the United Kingdom. These measures to control and reduce the spread and impact of the disease are having an impact on both NRW's and the operator's normal operating practices. At the time of writing all routine regulatory visits have been suspended by the regulator. During this pandemic there will be a continued expectation that operators continue to meet the conditions of their permits. Where the operator has identified an issue that is likely to result in permit non-compliance or increased environmental risk, the operator is expected to speak to the regulator at the earliest opportunity.

¹ It is understood that to facilitate safe access it will take time to plan the project to facilitate the inspection.

Compliance Assessment Report

Report ID: CAR_NRW0036675

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Operator/Permit holder	Tata Steel UK limited	Date	26 th June 2020

Section 3 – Enforcement Response

Only one box should be ticked

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.

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.

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

X

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			
g1 & g4	ccs 3 (x2) 3.6.1 & 3.5.1a/ 4.2.2	Action 36675.1 Restoration of functioning CEMs system at the A52B emission point by the deadline specified. Note: this will also be formalised in a regulation 36 notice.	30th April 2021
		Action 36675.2 Management of emission from boiler (over eight-month period the CEMs will be unavailable) through the use of: - PEM to forecast (NO_x, SO₂, PM and CO) emissions from the boiler 7; - use of this PEM system to manage and monitor the combustion process to indicate whether emissions are below the site's permitted emission limits; - the use of the functional Boiler 6 CEMs, to validate the performance of the Boiler 7 model; - during the period of CEMs outage, optimal fuel mix conditions to the boiler will be maintained.	Until CEMS system restored

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 (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 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 reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty 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.