

Compliance Assessment Report

Report ID:
CAR_NRW0036641

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	28/05/2020	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	V008 IC4 FPMP, Q1 returns				
Lead officer's name	Taylor, Richard				
Accompanied by					
Recipient's name/position	Richard Lewis/ Environmental Manager	Date issued	29/05/2020		

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
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	A - Suspended	

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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

The purpose of this CAR form is twofold.

1. IC4 - Fire prevention plan assessment.

2. Quarter 1 (Jan-Mar inclusive) assessment.

Site permit variation V008 held a requirement for the site to submit a Fire prevention plan by 7th May 2020. This was received on time and has been evaluated against the relevant guidance found at <https://naturalresources.wales/media/682159/eng-guidance-note-16-fire-prevention-mitigation-plan.pdf>

The site was issued a further permit variation V009 which unusually came into force before the deadline for IC4 was fulfilled. However the FPMP from V008 covers the requirements of both. The decision document for V009 states that the site does not require a revised FPMP for V009 because no new combustible waste is introduced. Nevertheless, the FPMP is a live document and needs to be reviewed and updated regularly.

The site submitted x4 documents to NRW on 7th May.

- IC4
- ECP55 - A2 FPMP
- ECP54 - Scrap yard FPMP
- ECP56 - Scrap handling

All have been assessed and accepted by NRW as meeting the requirements of IC4 and complying to the latest guidance.

Quarter 1 reports -

Site reported excess CO emissions to NRW from Jan 1st 2020 until the issue of the new permit V009 on 7th Feb 2020. These have not been scored as permit breaches and the limits for CO have been removed from the latest variation. CO is largely an indicator of combustion quality and holds no environmental risk in this setting, thus we took a proactive approach to monitoring. The monitoring of CO in the process remain a permit requirement but without permit limits.

Site informed NRW that the Q1 air sampling team could not attend site due to the Covid 19 outbreak.

NRW took a decision on 23rd March 2020 to apply permit breaches in the case of missed monitoring. This is Pan-Wales wide in an effort to be consistent to all Welsh sites.

We recognise that protecting public health is a priority in the COVID-19 pandemic, which may have an impact on resourcing and your ability to maintain compliance with your monitoring/reporting conditions within your permit/licence. We expect you to take a risk-based approach to maintaining compliance. We will take a proportionate response to any non-compliances notified to us, that is directly linked to issues caused by the COVID-19 pandemic. We will record the breach as non-compliant, and issue you a Compliance Assessment Report, however we will consider suspending the score immediately to take account of these extenuating circumstances.

We will make this decision if you can demonstrate the following:

You notify us as soon as reasonably practicable that there is a potential for COVID-19 to impact your monitoring and reporting permit requirements,

- You clearly justify why you are not able to meet your permit/licence conditions
- You clearly set out your consideration of alternative monitoring, process monitoring or other data you will use, potentially as a surrogate, for actual monitoring/returns data, but nonetheless may provide some information towards meeting the permit/licence condition requirements.
- You reference your contingency plan for managing compliance with your permit/licence during the COVID-19 pandemic.

As you have notified us of the situation, you will see that we have applied a permit breach without scoring as per the guidance above.

End.

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.

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			

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.