

Compliance Assessment Report CAR_NRW0038472

Permit being assessed: BV7460ID.

For: Newport Semiconductor Plant EPR/BV7460ID, held by Newport Wafer Fab Limited

At: Newport Semiconductor Plant Cardiff Road , Newport, South Wales, NP10 8YJ.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 02/07/2021 between 10:15 and 13:45.

Parts of permit assessed: All

NRW Lead Officer: Rebecca Green, accompanied by Wayne Grimstead.

Report sent to: Sarah Underwood, Environmental Engineer on 05/07/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C1 - General Management - Staff competency/training	Assessed (A)	
C2 - General Management - Management system and operating procedures	Assessed (A)	
D2 - Incident Management - Accidents, emergency and incident planning	Assessed (A)	
E1 - Emissions - Air	Assessed (A)	
E2 - Emissions - Land and groundwater	Assessed (A)	
E4 - Emissions - Sewer	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
0	0

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?

No action required.

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

The main purpose of this meeting was to introduce GM, who will be covering for SU while she is taking maternity leave.

Agenda

1. Introductions
2. Newport Wafer Fab (NWF) business update –
 - effects of EU Exit/pandemic;
 - plans for 2021/22.
3. EPR permit requirements and compliance –
 - reporting;
 - Public Register and “Commercial in Confidence”.
4. Site inspection –
 - CHP plant;
 - effluent treatment plant.

AOB and meeting close.

Present for all or part of the meeting -

AL, Facilities and Environment, Health and Safety Director, NWF;

DW, Site Environment, Health and Safety Manager, NWF;

SU, Environmental Engineer, NWF;

GM, Environmental Engineer, NWF;

Wayne Grimstead, Senior Officer, Industry Regulation, SE Wales, Natural Resources Wales (NRW);

Rebecca Green, Senior Officer, Industry Regulation, SE Wales, NRW.

1. Introductions

The participants introduced themselves and GM gave a brief synopsis of his experience in complying with environmental regulations.

2. Business Update

NWF were prepared for the EU exit and suffered minor disruption, although some inventories were increased resulting in extra expenditure.

Infection control measures were put in place early on in the pandemic and most of NWF's staff have been able to work on site.

A substantial investment, starting next week, has been planned and approved. It will significantly

increase employment here and will almost double the site's production capacity. The expansion is in two phases and both should be completed in about 18 months. The first involves re-instating Fab 10; Fab 11 will be extended in the second phase. NWF also hope to re-instate their research and development facility.

This expansion is likely to include new emission points and, if this is so, NWF were advised to start the process to apply for a permit variation as soon as practicable. The current timescale for issuing varied installation permits is about nine months from the determination stage. NRW were advised that NWF have already employed consultants to begin the process of gathering data for an application to vary the permit.

3. EPR permit requirements and compliance

Improvement Condition IC 14 states -

"The Operator shall carry out groundwater and soil monitoring as required by EPR 2016 and condition 3.1.3 of this permit. The operator shall submit a report detailing the results of the groundwater and soil monitoring survey by the date specified (14th September 2021)".

NRW were advised that this monitoring is scheduled to start week commencing 5th July 2021, which should give ample time to submit the report by the due date.

The permit was reviewed and NRW's expectations of NWF's evidence of compliance were explained.

The reporting requirements and forms given in Permit Condition 4.2 were discussed and the different "grace" periods for annual and periodic report submission were pointed out. NRW will allow reports to be submitted after their due date, provided that an extension is requested a reasonable time before the reports are due.

Permit Condition 4.2.5 requires NWF to submit a Solvent Management Plan annually to NRW. The requirement to inform NRW as soon as possible after a breach of a permit condition, and to submit a Schedule 5 Notification within 24 hours, was clarified.

Permit Condition 4.3.5 allows NWF to make minor operational changes, provided that NRW are informed 14 days before the proposed changes are due to come into effect.

Permit Condition 4.3.7 requires NWF to inform NRW when any details of their Climate Change Agreement alter. NRW were informed of some alterations by email on 2nd July 2021.

NRW's policy concerning the publication of data submitted by operators on the Public Register (PR) was discussed. Operators can claim "Commercial in Confidence" if they feel that the data should not be published on the PR and NRW will assess the claim.

4. Site Inspection

The CHP unit and effluent treatment plant (ETP) were inspected. The locations of several of the proposed groundwater and soil sampling points were also seen. The site was clean and tidy.

The water feed pipes to the scrubber for the hydrochloric acid storage tank have been lagged and heated lines installed. All signs for delivery procedures are in place. NWF are considering whether warning beacons would serve any useful purpose.

All the ETP bunds were clean, dry and in good condition.

Labelling on some of the pipework around the ETP is rather faded and difficult to read.

Action: Replace all faded labels associated with the ETP as soon as possible.

5. AOB - No other business was discussed.

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 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

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.