Compliance Assessment Report

Report ID: CAR_NRW0024808

This form will report compliance with your permit as determined by an NRW officer					
Site	Enersys Newport EA/EPR/NP3030BJ/V004	Permit Ref	NP3030BJ		
Operator/Permit holder	Enersys Ltd				
Regime	Installations				
Date of assessment	03/08/2016	Time in	11:00	Out	13:00
Assessment type	Report/Data Review				
Parts of the permit assessed	Regulation 60 Notice response & implications of NFM BAT conclusions				
Lead officer's name	Green, Rebecca				
Accompanied by					
Recipient's name/position	Paula Terrett/ Safety, Health, Environment & Quality Advisor	Date issued	15/08/2016		

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	
B2 - Infrastructure - Closure and decommissioning	A	
C2 - General Management - Management system and operating procedures	A	
E1 - Emissions - Air	A	
E2 - Emissions - Land and groundwater	A	
E3 - Emissions - Surface water	A	
E4 - Emissions - Sewer	A	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

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

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

On 27th July 2016 Regulation 60 Notices were sent out to all operators whose main activity comes under Section 2.2(A)(1) of the EPR, requiring them to provide information on how they propose to comply with the recently published BAT conclusions for the non-ferrous metals industry.

A meeting was arranged to go through the BATc to help EnerSys understand the implications and how they should reply to the Regulation 60 Notice (R60N).

Attending the meeting were -

Paula Terrett, Safety, Health, Environment and Quality Advisor, EnerSys (E);
Gavin Thomas, EH & S Manager, E;
Andrew Bentley, Site Engineering Manager, E;
Noel Goodchild, SHE & Q Assistant, E;
Rebecca Green (RVG), PPC Compliance Officer, Natural Resources Wales (NRW).

The procedure for replying to the R60N was explained and a "best practice" reply from another industry sector was left with E for reference. Each BATc should be answered with a paragraph stating that the "process" is either compliant, will be compliant in four years or that it cannot comply and in the latter case, the proposed strategy. Replies should be received by 31st October 2016.
E felt that the timescale for replies was too short, given that the main holiday season is just starting and that the Environment Agency (EA) have invited trade associations and operators in the NFM sector to a meeting on 6th September to discuss the BATc. A reply date of 30th November might have been more reasonable. Both the International Lead Association and the Non-ferrous Metals Alliance are of the opinion the NFM BATc do not apply to the battery sector and intend to raise this at the EA's September meeting. NRW and EA do not agree.

The BATc require operators to measure air emissions of dust and lead at least annually. The BAT-AEL for lead to air will be $\leq$1mg/Nm^3 and for dust it will be $\leq$5mg/Nm^3, limits that should not be too onerous for EnerSys to achieve. Air emissions of dust are not presently reported, so EnerSys will need to quantify these before they can reply to the R60N on dust emissions.
There are no BAT-AEL for emissions to sewer.
The BAT-AEL for emissions of lead to surface water are $\leq$0.5mg/L, which is less than the present limit of 2mg/L. In addition, the sample must be taken at the point of discharge into the receiving water body, which would be very difficult for EnerSys to do safely. Compliance with these BAT-AEL is likely to be expensive and difficult; it may be more cost effective for EnerSys to consider other means of treating this run-off water, which is not process effluent.

RVG will pass E's comments back to the relevant NRW departments.

A visit has been arranged to go through the production process in some detail to give RVG a better technical understanding of it.
END.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0024808**

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Site	Enersys Newport EA/EPR/NP3030BJ/V004	Permit Ref	NP3030BJ
Operator/Permit holder	Enersys Ltd	Date	03/08/2016

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 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.