

Compliance Assessment Report

Report ID:
CAR_NRW0026855

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

Site	Enersys Newport	Permit Ref	NP3030BJ		
Operator/Permit holder	Enersys Ltd				
Regime	Installations				
Date of assessment	05/01/2017	Time in	10:30	Out	12:00
Assessment type	Report/Data Review				
Parts of the permit assessed	BREF - Regulation 60 response				
Lead officer's name	Green, Rebecca				
Accompanied by	Jeremy Walters				
Recipient's name/position	Paula Terrett/ Safety, Health, Environment & Quality Advisor	Date issued	10/01/2017		

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
A1 - Specified by permit	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	
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
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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 meeting was to review EnerSys's response to the Regulation 60 Notice, which required information on whether they would be able to comply with the recently published Non-ferrous Metals BREF Conclusions. A response had been received by Natural Resources Wales, but some of the information lacked detail and this meeting was to explain which responses required more information and how detailed this needed to be. An agenda was not issued for this meeting.

Present:

Gavin Thomas, E, H & S Manager, EnerSys, (E); Adam Holbrook, EHS Manager EMEA, E;
Andrew Bentley, Senior Engineering Manager, E;
Paula Terrett, Safety, Health, Environment & Quality Advisor, E;
Darren Rogers, Health, Safety & Quality Facilitator, E;
Jeremy Walters (JW), Senior Policy Advisor, Natural Resources Wales, (NRW);
Rebecca Green (RVG), Compliance Officer, NRW.

The spreadsheet that E used to submit their Regulation 60 responses was reviewed. The answers to some BAT conclusions were quite detailed enough, but others merely stated that E were compliant, without offering any evidence. NRW do not require long and detailed answers, but they do need enough evidence to be able to assess compliance accurately. E were advised to consider their answer to each BAT conclusion as if it were part of an audit; in other words to first state whether they were compliant and then to provide verifiable evidence of that compliance. A paragraph should, in most cases, be sufficient.

JW clarified several of the BAT conclusions and a detailed discussion followed, which everyone present found most useful. He was also able to explain NRW's position and proposed time scale.

The air emission limits and the proposed variation were also discussed. Several emission points are no longer in use and the reporting methodology is rather complicated. RVG will consider rationalising the emission limit values (ELVs) and the calculations used to report actual emissions. E will send RVG flow rates for each emission point so that the mass emissions can be calculated; these will be used to determine whether any existing ELVs can be changed.

E were also advised to check their COMAH status in view of the proposed new plant.

Actions:

- 1). EnerSys submit revised reply to Regulation 60 Notice by 27th January 2017.*
- 2). EnerSys send abatement equipment flow rates to RVG by 13th January 2017 at latest.*
- 3). RVG to send Decision Documents from their permit applications to EnerSys by 13th January 2017.*
- 4). EnerSys to re-check their COMAH status with reference to new plant.*

END.

EPR Compliance Assessment Report

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Operator/Permit holder	Enersys Ltd	Date	05/01/2017

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.