

## Compliance Assessment Report

Report ID:  
CAR\_NRW0032721

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

|                              |                                                                 |             |            |     |     |
|------------------------------|-----------------------------------------------------------------|-------------|------------|-----|-----|
| Site                         | Mostyn Chemical Works<br>EPR/BU2357IP                           | Permit Ref  | BU2357IP   |     |     |
| Operator/Permit holder       | Mostyn Chemical Works                                           |             |            |     |     |
| Regime                       | Installations                                                   |             |            |     |     |
| Date of assessment           | 09/10/2017                                                      | Time in     | N/A        | Out | N/A |
| Assessment type              | Report/Data Review                                              |             |            |     |     |
| Parts of the permit assessed | Effluent treatment plant W1 discharges to Dee Estuary.          |             |            |     |     |
| Lead officer's name          | Oakes, Ian                                                      |             |            |     |     |
| Accompanied by               |                                                                 |             |            |     |     |
| Recipient's name/position    | Peter Bryant/ Health, Safety,<br>Environment & Security Manager | Date issued | 16/01/2018 |     |     |

### 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          |
|------------------------------------------|--------------|--------------------------------|
| E3 - Emissions - Surface water           | C3           | Condition 2.2.2.4, Table 2.2.5 |

**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 | 1 | Total compliance score<br>(see section 5 for scoring scheme) | 4 |
|-----------------------------|---|--------------------------------------------------------------|---|

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

Consolidated CCS3 Condition 2.2.2.4, Table 2.2.5 - 9 October 2017 for waste water discharges to the Dee Estuary outside the permitted time (2 to 4 hours after high tide), from 8 November 2017 from an overland pipeline and latterly from a holed (shortened) W1 pipeline.

A waste water discharge from Tank 1 to W1 Dee Estuary was due at 03.31hrs on 9 October 2017. However, on discharge the level in the tank did not drop indicating a blockage in the system. Natural Resources Wales (NRW) agreed with Warwick to discharge outside the permitted time (2 to 4 hours after high tide). 319m<sup>3</sup> was discharged from Tank 1 and 235m<sup>3</sup> from Tank 2 and on both occasions a 'swirling' was observed in the estuary indicating the discharge had been successful. Subsequent discharges appeared normal and on 11 October divers identified silt deposits inside and around the outfall pipeline some of which was removed.

On 8 November 2017 further difficulties were encountered and NRW agreed to Warwick running a pipeline overland directly into the estuary. Divers again identified silt covering the outfall pipeline on 9 November and the overland discharge was repeated during the permit window. The water usage on site was scaled back. The following day divers further worked to access the pipeline and the waste water discharges continued overland.

NRW subsequently agreed to Warwick cutting into the outfall pipeline above the low water mark. Divers continued on 10 and 11 November but abandoned the work as it was considered unsafe to continue. On 12 November a 25cm by 40cm hole was made in W1 HDPE discharge pipeline. This allowed discharges to be made well below the highwater mark providing more dispersion / dilution. Discharges have continued in this fashion into Q1 2018 within the permitted time.

Mostyn Dock has been approached to see if they can carry out dredging (not done for 3 years). Boat crews using the adjacent pontoon have witnessed whirlpools up to seven meters moving past the outfall pipeline and other observations relate to movement of sand banks in the area.

On 7 December NRW asked Warwick to provide a permanent solution supported by dispersion modelling and to submit a permit variation application to suit by 31 March 2018. In the meantime, it is considered acceptable to continue to discharge through the holed pipeline within an extended permit window of 1 to 4 hours after high tide at the lowest rate possible to meet operational needs. Warwick to confirm to NRW the discharge rate and discharge window by 31 January 2018.

## EPR Compliance Assessment Report

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|                        |                                       |            |            |
|------------------------|---------------------------------------|------------|------------|
| Site                   | Mostyn Chemical Works<br>EPR/BU2357IP | Permit Ref | BU2357IP   |
| Operator/Permit holder | Mostyn Chemical Works                 | Date       | 09/10/2017 |

### 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.

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.

### 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 |              |                                                                                                                                     |            |
| E3                  | C3           | Warwick to provide a permanent solution for W1 supported by dispersion modelling and submit a permit variation application to suit. | 31/03/2018 |

## 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](mailto: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.