

## Compliance Assessment Report CAR\_NRW0040773

**Permit being assessed:** BU2357IP.

For: Mostyn Chemical Works, held by Mostyn Chemical Works

At: Warwick Chemicals Dock Road , Mostyn, HOLYWELL, Clwyd, CH8 9HE.

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

On 28/11/2022 between 10:00 and 15:00.

Parts of permit assessed: Various

**NRW Lead Officer:** Stuart Ross, accompanied by Ian Oakes.

**Report sent to:** Peter Bryant, HSE Manager on 14/12/2022.

### 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)      |                  |
| B2 - Infrastructure - Closure and decommissioning                     | Action only (X)   |                  |
| D2 - Incident Management - Accidents, emergency and incident planning | Action only (X)   |                  |

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?

| Criteria | Action needed         | Complete by |
|----------|-----------------------|-------------|
| B2       | Refer details section | 22/12/2022  |
| D2       | Refer details section | 22/12/2022  |

Action criteria codes are listed in the 'Important information' section below.

### 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

This Compliance Assessment Report follows a site meeting and on foot inspection to discuss and review site closure. The permit surrender application was also discussed with the operator and Delta Simons consultancy.

### 1. Site Operations

Manufacturing ceased in October 2022 since then the operator has been in the process of decommissioning the site. A single boiler is being operated to raise steam for cleaning purposes, all other combustion plant and manufacturing processes have ceased operations. Wastewater continues to be discharged via emission point W1.

Staffing levels have been reduced and are due to be reduced further as of 31<sup>st</sup> December to a skeleton crew of primarily management and HR staff who will remain on site until mid / late January beyond which only a 24hr site security presence will be maintained.

A new security company is due to start on site 12<sup>th</sup> December, with two security guards present on site 24/7 with an enhanced CCTV system due to be installed. Steps have been taken to prevent vehicle access via the sites gates and other infrastructure has been secured.

The operator's consultants, Delta Simons, are in the process of preparing a permit surrender application.

### 2. Site Inventory

The site inventory has substantially reduced through the processing of remaining feed stocks, sales of finished product and the depolluting of plant and equipment.

All reaction vessels, crystallisers and granulation plants have been cleaned out except for Granulation Plant 1 which was due to be cleaned out the week of the inspection. Bunds serving decommissioned plant and vessels across the site have been core drilled at ground level to prevent rainfall accumulation.

**Action 1** - Site inventory and plant decommissioning records are being maintained – please submit a copy of these records to NRW by 22/12/22, to include an inventory of potentially polluting materials present on site as of 21/12/22.

A significant quantity of potentially polluting material mainly product remains present on site and in various stages of removal, with the intention to complete by year end.

Of primary concern is the storage of 400 tonnes of acetic anhydride in Tank Farm 1 for which the company is currently exploring the removal options. This material needs to be removed from site at the earliest possible opportunity.

**Action 2** - Operational procedures, infrastructure and staff resource for the safe management and containment of acetic anhydride shall be maintained until such time that it is removed from site. Failure to do will result in non-compliance for which NRW will consider its enforcement position. The presence of acetic anhydride poses a barrier to permit surrender.

**Action 3** – notify NRW when the acetic anhydride has been removed from site.

1300 tonnes of TAED product remains within the onsite warehouses, again options for removal are being explored. Similarly, an unknown quantity of off spec material is also present that is either going to landfill or maybe sold.

It was reported that approximately 300 tonnes of Carboxymethyl Cellulose (CMC) are being held offsite and maybe brought to site for temporary storage. Currently, approximately 0.5 tonnes of residual CMC flake are present within a silo and the operator reported that its removal is very challenging from a health and safety perspective.

**Action 4** - Investigate dry cleaning options for CMC e.g., sandblasting and avoid bringing additional CMC to site.

Some residual lime is also present in the wastewater plant ETP silo and is being washed out to clean the silo whilst maintaining compliance with the W1 pH emission limit range.

The appointed waste contractor is currently working through the disposal of laboratory stocks.

Approximately 2 tonnes of PFAS firefighting foam are present on site – the operator anticipates that this will be removed by the supplier.

Heat transfer oil is also to be removed.

5 tonnes of white diesel remain on site to be used in forklift trucks (and will be utilised by year end).

### **3. Surface Water Management**

The operator was unable to offer any certainty as to the management of surface water post 31 December 2022.

Surface water is currently collected in a central collection sump and pumped to the wastewater holding tanks. Without operational pumping infrastructure the site will flood, and surface water (potentially contaminated) would be discharged from site other than in accordance with the permit.

In house sample analysis will likely stop at the end of year and may be carried out by a UKAS accredited laboratory although there is uncertainty as to how this will be managed.

Failure to manage and monitor surface / wastewater discharges as per current arrangements would result in a breach of permit.

A compliance action plan has been received from the operator to address recent non-compliances with emission limit values for emission point W1. NRW accepts the plan and there have been no further reported breaches since it was implemented. NRW will review emissions monitoring returns and assess compliance via a separate Compliance Assessment Report.

**Action 5** - Operational procedures, infrastructure and suitably trained staff shall be maintained to ensure surface water management and monitoring are maintained in accordance with the permit.

The operator is currently exploring future options to discharge clean uncontaminated surface water to an onsite mineshaft and through DCWW. As stated, surface water / wastewater must be managed in accordance with the permit unless otherwise agreed with NRW.

#### **4. Site Emergency Response**

The operator has de-notified as a COMAH Establishment and as detailed above, significant changes have been made since the plant since October 2022.

**Action 6** – Update your emergency response procedures to reflect current site operations and notify Emergency responders accordingly. Please do so by 22/12/22.

**Action 7** – Provide NRW with a list of site/company contacts (including for emergencies) for the purposes of ongoing regulation and emergency response. Please do so by 22/12/22.

#### **5. Groundwater and Soil Sampling**

Delta Simons advise that results are available from a recent round of soil and groundwater sampling and a 2004 v 2022 assessment will be carried out. Window samples where possible were located in the same place as 2004 or alternatively as close to the original location as possible.

It was reported that an oil spill in 1998 predates permit issue and weathered diesel was previously found in perimeter wells and for a period EAW/NRW required additional monitoring.

#### **6. Returns**

It was agreed that the operator may use an alternative method to complete and submit the 2022 EPTR return by end of 2022 if required.

N.B On 06/12/22 a call was held between Lubrizol (Cleveland Ohio), NRW, Delta Simons and the Mostyn HSE Manager. Concerns relating to the removal of acetic anhydride and ongoing surface water management and monitoring were discussed. Lubrizol stated that the requirements of the permit will continue to be met until such time that the permit is surrendered. NRW will continue to assess permit compliance as per its normal regulatory duties, the actions in this Compliance Assessment Report shall be met as detailed above.

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](mailto: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](mailto: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.