

Compliance Assessment Report CAR_NRW0040775

Permit being assessed: BR9715IB.

For: Newport Chemical Complex, held by Solutia UK Ltd

At: Corporation Road , Newport, South Wales, NP19 4XF.

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

On 01/12/2022 between 10:30 and 15:30.

Parts of permit assessed: Site handover

NRW Lead Officer: Rebecca Green, accompanied by Andi Kemp.

Report sent to: Stephen Thomas, Environmental Specialist 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)	
C2 - General Management - Management system and operating procedures	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
E3 - Emissions - Surface water	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	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 purpose of this meeting was to introduce the new site officer, Rebecca Green, to the site personnel and the plant layout and processes on the site.

Agenda

- Introduce new site officer to the personnel, site layout and processes;
- Effluent pipeline and temporary repair update;
- Query about which PCBs are monitored in the effluent – (refer to former permit Interpretation section);
- Reed bed performance and PCP levels in effluent;
- IC35 in terms of upgrades to furnaces and NOx concentrations at TH2 and TH3;
- Latest emissions submissions – from April 2022;
- Previous actions;
- Santotar project update;
- Notification of intended Operator Monitoring Assessment (OMA) for emissions to water and air, new guidance and criteria. Provisionally, May – July 2023.

Present at the meeting and during the site familiarisation -

DR, Health, Safety, Environment and Security Manager, Eastman;

ST, Environmental Specialist, Eastman;

Andi Kemp (AK), Lead Specialist Industry Regulation, COMAH, Natural Resources Wales (NRW);

Rebecca Green (RVG), Senior Officer, Industry Regulation South East Wales, NRW.

Introductions were made and the site layout and processes explained.

Effluent Pipeline Update

The repairs to the leaking section of the effluent pipe that discharges into the Severn estuary were discussed in some detail. The existing pipe has been slip-lined, sealed with an external coating and a new control valve installed. Eastman are investigating the reason for the failure. RVG suggested that taking a microsection from the failed pipe might help identify the cause and would be interested to see any results from the investigation.

The rest of the pipeline is nearing the end of its operational life. Depending on the results from the investigation into the failure mechanism, early in 2023 Eastman will decide whether to replace the whole seaward length or to continue with slip lining and cathodic protection. The methodology was discussed in some detail. This will be a costly project whichever option is taken.

PCB Monitoring

Solutia provided NRW with the analysis method they use to monitor the PCB congeners in the site's effluent. It includes all of the congeners listed in the permit and appears to be satisfactory. This will be verified during the site's OMA audit in 2023.

Reed Bed Performance

The reed bed seems to be performing as expected, helping to reduce PCP levels in the groundwater adjacent to where they are sited.

Improvement Condition 35

The upgrades to furnaces TH2 and TH3 have been completed. The air emission results will be submitted as part of the annual reports for 2022 (due January 2023).

Santotar Project

Eastman are trying to decide, with reference to the Waste Framework Directive, whether this material could be classified as "end of waste" or as a by-product. Once they have reached a decision, they will present the results to NRW and consult them for an opinion.

Proposed OMA audit, emissions to air and water

The guidance for carrying out an OMA audit has been updated to version 4. This has removed the "critical elements" that were a part of previous guidance. NRW propose conducting this audit sometime between May and July 2023. Eastman will be provided with the guidance and checklists to help them to assemble the necessary documentation prior to the audit date. In order to use the time available efficiently, NRW will carry out as much of the work as possible as a desk audit, but some aspects will need to be audited on site.

There was insufficient time to discuss, in any depth, previous actions and the emission submissions from April 2022 to date. NRW have received several Schedule 5 Notifications from Eastman this year and these are dealt with in separate CAR forms.

Site Inspection

RVG was conducted on a site familiarisation tour, accompanied by AK, ST and DR.

It was noted that some bunds contained a lot of water, probably due to the recent wet weather, but Eastman should ensure that rainwater is emptied from bunds in a timely manner.

No non-compliances were identified.

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.