

Compliance Assessment Report CAR_NRW0041077

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: Report/Data Review, Reason: Routine.

On 30/12/2022.

Parts of permit assessed: Emissions Monitoring

NRW Lead Officer: Stuart Ross.

Report sent to: Neil Johnson, UK Health, Safety and Environment Manager on 17/02/2023.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.1.2
E3 - Emissions - Surface water	C2 Significant	2.2.1.4
E3 - Emissions - Surface water	C3 Minor	2.2.1.4
E3 - Emissions - Surface water	C3 Minor	2.2.1.4
E3 - Emissions - Surface water	C3 Minor	2.2.1.4
E1 - Emissions - Air	C3 Minor	2.2.1.2
E1 - Emissions - Air	C3 Minor	2.2.1.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	5.1.1
C2 - General Management - Management system and operating procedures	C2 Significant	1.3.1

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
9	86.1

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
G4	Refer details section	28/02/2023
E3	Refer details section	28/02/2023
E3	Refer details section	28/02/2023
E3	Refer details section	28/02/2023
E3	Refer details section	28/02/2023

Criteria	Action needed	Complete by
E1	No action , plant shutdown - not due to restart	17/02/2023
E1	No action , plant shutdown - not due to restart	17/02/2023
G4	Refer details section	28/02/2023
C2	Refer details section	17/02/2023

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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

This Compliance Assessment Report covers a review of routine emissions monitoring returns for the period October - December 2022 and annual returns.

The plant ceased manufacturing DAED 02/10/22, with Plant 5 operations (conversion to TAED) ceasing 04/10/22. The incinerator ceased operations 14/10/22. Therefore, only limited emissions to air monitoring was completed during this quarter. The waste water discharge (W1) continued as usual.

A permit surrender application was submitted to NRW January 2023.

1. Reporting

The W1 emissions monitoring return was received late in breach of permit condition 4.1.2 and attracts a non compliance score of 4.

Action 1 - Ensure monitoring returns are submitted to NRW in accordance with the timescales set out in the permit. With immediate effect.

2. Emissions to Water

The W1 monitoring return was received by NRW on 13/02/23. A correction to the maximum COD kg/day result was received 16/02/23. On 16/02/23 the operator provided pH, Chemical Oxygen Demand (COD), Total Suspended Solids (TSS). Ammonia, temperature and volume data for each discharge during the monitoring period.

The following Emission Limit Value (ELV) exceedances were recorded for which only a small number of ELV exceedances were notified by the operator (Part A notification) - these are highlighted in **bold** below.

a) TSS (mg/l)

13/10/22 - 417

15/10/22 - 630

22/10/22 - 1581

09/11/22 - 263

10/11/22 - 557

15/11/22 - 3185

16/11/22 - 3499

18/11/22 - 488 & 1475

21/11/22 - 392

24/11/22 - 591

30/11/22 - 1258

01/12/22 - 673

02/12/22 - 9623 (maximum result)

06/12/22 - 1091

09/12/22 - 797

23/12/22 - 868

ELV 250mg/l. A non compliance score of C2 has been applied.

b) COD (mg/l)

09/11/22 - 7417

10/11/22 - 7700

15/11/22 - 6152

16/11/22 - 7422

02/12/22 - 10652 (maximum result)

06/12/22 - 9337

ELV 6000mg/l. A non compliance score of C3 has been applied.

c) COD (kg/day)

06/12/22 - 10354

07/12/22 - 10080

ELV 10,000 kg/day. A non compliance score C3 has been applied.

d) pH

10/11/22 4.94

09/12/22 9.3

02/12/22 12.8

ELV 5 to 9. A non compliance score of C3 has been applied.

The above ELV exceedances are in breach of permit condition 2.2.1.4. Non compliance scores are noted against each parameter.

Action 2 - Resubmit the W1 emissions reporting form for the period 01/10/22 to 31/12/22. The date of all reported values shall be stated in accordance with note 3 on the reporting

form. Both the maximum and minimum pH shall be included in accordance with note 1 on the reporting form. Please do so by 28/02/23.

Action 3 - Submit all emissions monitoring data collected for emission point W1 during the period 01/10/22 to 31/12/22. Please do so by 28/02/23.

Part A & B notifications that have been received report that during the process of decommissioning the plant (including cleaning activities and jetting of the drainage system) it is thought that TAED solids have potentially entered the waste water treatment system and led to the breach of ELVs. It was reported that any solid material was being bagged up/drummed off and disposed of via an approved route to prevent any solidified residue material from getting into the wastewater treatment stream.

However, evidently the decommissioning process has led to the waste water treatment system becoming overloaded with material leading to ELV exceedances.

On 18/11/22, NRW wrote to the operator to raise concerns over the ELV exceedances and sought a compliance action plan by 25/11/22 detailing how the operator would bring emissions back into compliance. A plan was received 24/11/22 detailing a number of steps to prevent the overloading of the waste water treatment system. Since the plan was issued no further ELV exceedances were notified to NRW in 2022, however upon review of the daily discharge data obtained 16/02/23 it is clear that ELV non compliance continued to occur.

NRW considers that the failure to adequately control the inputs to the waste water treatment plant during the decommissioning process led to the ELV exceedances and this is in breach of permit condition 1.3.1 'Overarching Management' and attracts a non compliance score of C2.

At the time of writing site decommissioning is substantially complete and it is considered unlikely that further breaches of this nature will occur. Present and future discharges will consist of mainly surface water collected from roofs and hardstanding areas. Discharge data for January 2023 shows that emissions are compliant.

Action 4 - The Compliance Action Plan shall be implemented, all ELVs must be met in full.

3. Emissions to Air

Emission Points A2, A3, A5, A6, A7, A20, A22, A23 & A24 (Acetic acid)

Plant shutdown - no quarterly emissions data reported for this quarter.

Annual mass emissions for 2022 reported - compliant with annual limit.

Emission Points A14, A17, A18, A19 & A21 (NOx)

Annual mass emissions for 2022 reported - compliant with annual limit.

Emission Point A14 (Incinerator)

A review of Continuous Emissions Monitoring data for this period has identified the

following ELV exceedances:

01/10/22 NO_x daily average 410 mg/Nm³ (ELV 400mg/Nm³).

04/10/22 particulate matter half hourly maximum 34 mg/Nm³ (ELV 30 mg/Nm³).

08/10/22 particulate matter half hourly maximum 31.2 mg/Nm³ (ELV 30 mg/Nm³).

These ELV exceedances have the potential for minor environmental impact and each attract a non - compliance score of 3. The plant is now shutdown, no further action required.

6 monthly extractive measurements for January - June were received. No further extractives collected for July - December period due to plant closure.

4. Notifications

As detailed in section 2 of this report, the operator failed to notify NRW of a significant number of ELV exceedances for emission point W1 during this reporting period.

The operator failed to notify NRW of ELV exceedances for emission point A14 within the timescales specified in the permit (they were received late).

Failure to notify NRW of ELV exceedances in accordance with permit condition 5.1.1 attracts a non-compliance score of 3.

On 16 and 17 February 2023 the operator submitted the majority of outstanding Part A and B notifications relating to emission point W1 that will be reviewed by NRW. A relatively small number of notifications appear to be outstanding and this has been communicated to the operator by email.

Action 5 - Submit all outstanding Part A and B notifications for ELV exceedances for emission point W1. Please do so by 28/02/23.

Action 6 - Ensure NRW is notified of emission limit exceedances without delay as required by the permit. With immediate effect.

5. Fly Ash & Bottom Ash Composition

Nil returns supplied - no ash produced.

6. Annual Returns

Annual Reports for Water usage, Energy usage and waste disposal / recovery received.

Form Performance 1 received.

Annual fugitive emissions review received as required by condition 4.1.4.

No significant issues noted.

7. Future Reporting

The installation is now substantially decommissioned with emissions to air via the permitted emission points having ceased in Q4.

Unless otherwise instructed by NRW, the operator is no longer required to submit returns (including nil returns) for emissions monitoring to air. In the unlikely event that emission points are recommissioned then monitoring and reporting shall resume as required by the permit.

Reporting for emission point W1 shall continue in accordance with the permit.

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.