

Compliance Assessment Report CAR_NRW0041532

Permit being assessed: BU2349IL.

For: Alyn Works, held by Synthite Limited

At: Denbigh Road, Mold, Flintshire, CH7 1BT.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 10/03/2023.

Parts of permit assessed: See report

NRW Lead Officer: Lara Cubley.

Report sent to: Jayme Mountford, Technical Manager on 21/03/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.4.1

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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
A1	See Action 1 & 2 below	30/06/2023

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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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 assesses compliance with Improvement Condition (IC) 24 as required by permit condition 2.4.

IC24 requires:

'The Operator shall submit a written report to Natural Resources Wales for written approval on the baseline conditions of soil and groundwater at the installation. The report shall contain the information necessary to determine the state of soil and groundwater contamination so as to make a quantified comparison with the state upon definitive cessation of activities provided for in Article 22(3) of the IED and provided in accordance with the European Commission Guidance concerning the baseline reports under Article 22(2) of Directive 2010/75/EU on industrial emissions. The report shall contain information, supplementary to that already provided in the application Site Condition Report, needed to meet the information requirements of Article 22(2) of the IED by 30 June 2022.'

On the 27/10/22 the operator submitted a response to this improvement condition by e-mail. NRW have reviewed this report and conclude that the submission does not satisfy the requirements of IC24 for the reasons given below. Therefore NRW cannot approve this IC for completion.

NRW considers this to be a breach of Condition 2.4.1. This improvement condition was submitted almost 4 months late. (A1 - Specified by permit - C3).

ACTION 1: The Operator should review procedures to ensure they enable compliance with IC timescales as required by the Permit.

ACTION 2: The Operator must address NRW's comments and re-submit a complete report that meets the IC24 requirement, for approval by 30/06/23.

Reasons:

1. The requirements outlined in [European Commission Guidance concerning baseline reports under Article 22\(2\) of Directive 2010/75/EU on industrial emissions](#), and summarised in *Table 5.1 Main stages of preparing the baseline report* of the document, are quite clear. We have compared your submission with these requirements for a baseline report, it is apparent that the submission falls short of such standards for a baseline report.
2. The submission should contain all the reports, tables, figures, laboratory reports referenced in the document, and the document should contain all the relevant information described in the EU Guidance. Please see advice & guidance below and prepare a more complete baseline report for submission to NRW so as to meet IC24 requirements.

Further Advice & Guidance

As stated in the EU Guidance, we would expect Synthite Ltd to use existing information where available; there is reference to earlier site investigation work in the submitted document. This information should be compiled into a formal baseline report and be supplemented with new information where applicable. The 7 page submission, which

includes two and a half pages of text, one map and a few tables does not meet the standard outlined. We have attached the EU Guidance document and highlighted some of the relevant sections which require inclusion into the baseline report.

It is especially important for a site with a long industrial history on and adjacent to sensitive receptors (groundwater, the River Alyn, residential areas, etc) to satisfy the Industrial Emissions Directive (IED) in respect of soil, groundwater, controlled waters and environmental protection.

The operator should tie everything together and include all the relevant data and assessment in one report. This can rely on the work done in 2003 through 2006, and should use these data to produce a clear and comprehensive report.

Information listed in Table 5.1 considered important to include in the baseline report that was absent includes, but is not limited to:

- An up to date, clear and accurate site plan showing locations of all groundwater and other permitted and non-permitted monitoring points. (Likely will require a new survey).
A table listing all unique monitoring points with unique names, with location and elevation data.
Groundwater elevations and a groundwater elevation contour map (gradient map), showing groundwater flow directions.
A description of the conceptual site model, including (hazardous substances) sources, pathways (surface and groundwater) and receptor/s.

Further information relevant to IED requirements can be found in the [Environmental Permitting Regulations , Guidance for applicants H5, Site Condition Report, Guidance and Template \(cyfoethnaturiol.cymru\)](http://cyfoethnaturiol.cymru).

Please see Section 3.2 of this guidance which applies to Synthite Ltd:

“3.2 For existing IPPC installations that become IED installations

These are installations carrying out any of the activities listed in Part 2 of Schedule 1 to the EPR 2010 that were already operating, or had submitted a permit application, before 7 January 2013, If your activity involves the use, production or release of relevant hazardous substances you must submit baseline data within an SCR, before we update your permit. We recommend that you carry out monitoring of groundwater and soil and submit these results in your report. Alternatively you could use good quality existing data, if it is available. This will quantify the levels of pollutants present which you will compare to the levels you find when you cease carrying out the activity and wish to surrender your permit. However, if you choose not to submit any monitoring data you should provide a justification for not doing so in your report. In this case you will be accepting the risk that you may be required to clean up pre-existing contamination when you surrender your permit. If you intend to make a substantial change in your operations, you should send us baseline data within an SCR as part of your application for a variation to your permit. We will not require you to submit baseline data if you want to update your permit for reasons that do not constitute a 4 Paragraph 14(1) of Part 1 of Schedule 5 to the EPR 2010 5 Article 16(2) IED Guidance for applicants H5 Site condition report and template v5 October 2014 9 substantial change, for example if you want to add a minor emission point to air. See our guidance note RGN 8 for the interpretation of “substantial change”. We could decide to update your permit at any time and require you to provide baseline data as part of that update. However, in practice, the main reason for updating permits during the

period 2012 to 2020 will be to give effect to BAT conclusions published by the European Commission and that will trigger the requirement for you to produce an SCR containing baseline data. When we require you to produce an SCR containing baseline data we will either:

- Send you a notice requiring you to send us baseline data within an SCR which we can assess when we update your permit. We recognise that this approach will only work if our notice gives you sufficient time to obtain the required data - which in practice means at least a few months; or*
- Issue a variation to the permit with an improvement condition requiring you to send us a baseline data within an SCR by a specified date. We will use this approach when there is insufficient time available for you to obtain the baseline data before we need to issue the permit. We will normally include in the variation to your permit a condition requiring you to carry out periodic monitoring of groundwater at least once every five years and soil at least once every ten years.*

However, if you believe we should not require periodic monitoring of groundwater and soil as a condition in your permit you should justify this as part of your environmental risk assessment in terms of a systematic appraisal of the risk of contamination⁶. We will expect you to review this justification during the life of the permit. If you intend to not to send us baseline monitoring data or you want a permit without a requirement for periodic monitoring of groundwater and soil then we recommend you discuss this with us at the earliest opportunity."

Synthite Ltd are already monitoring groundwater and have been for many years. As well as the baseline data from the 2003 – 2006 investigations, the report should provide a summary of recent groundwater data, along with relevant plans and data tables.

Producing this report with baseline data, summarising recent groundwater data, and groundwater condition requires specialist technical expertise. We would not necessarily recommend soil sampling except where evidence from document spills etc, or if indicated by groundwater sampling.

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.