

Compliance Assessment Report CAR_NRW0042450

Permit being assessed: BR97151B.

For: Newport Chemical Complex, **held by:** Solutia UK Ltd

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

Type of assessment: Site Inspection,

Reason: Routine.

On: 13/09/2023 between 10:00 and 12:30.

Parts of permit assessed: Schedule 5 Notification - Effluent Treatment Plant pipe leak.

NRW Lead Officer: Rebecca Green, accompanied by Luke Burton.

Report sent to: Stephen Thomas, Environment Specialist, on 22/09/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Management - General management	Action only (X)	
IR1A - Management - General management	Action only (X)	
IR2C - Operations - Operating techniques	Action only (X)	
IR3B - Emissions and monitoring - Emissions of substances not controlled by emission limits	Assessed (A)	
IR4A - Information - Records	Assessed (A)	

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

Total 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
IR1A	See Action 2 below.	29/12/2023
IR1A	See Action 3 below.	13/10/2023
IR2C	See Action 1 below.	29/12/2023

Compliance 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

On 21st July 2023 Solutia noticed a small leak on the effluent recirculation line, which recirculates the treated effluent back into the main plant during periods when discharge must cease. It was thought to be coming from a flange, which was tightened, and this seemed to stop the leak. About a month later, on 29th August, the lagging around the pipe still appeared to be wet and further investigation revealed a small pinhole. A Schedule 5 Notification was submitted. The leak was a drip when the system was discharging, but became worse when the system was recirculating due to the higher pressure in the pipe. Solutia estimate that a maximum of 200L of treated effluent was lost to an unbunded area. As an interim control measure, the effluent pump was turned off when the system was not discharging, reducing the leak to a drip. A weld repair was carried out on 30th August which stopped the leak when the system was discharging and reduced it to a drip when the system was recirculating, so the interim control measure was continued.

The pipes on the recirculation system are made from carbon (mild) steel.

The affected section of pipe, the flange and valve were all replaced with 316 stainless steel on 12th September 2023. The remainder of the recirculation system pipework will be replaced in due course.

Action 1: Natural Resources Wales (NRW) to be informed of the proposed replacement schedule by 29th December 2023.

Inspection revealed that the leak had been largely directed onto the brick wall behind the pipe and onto a pipe next to the affected pipe, running onto the unbunded area beneath. The surrounding area is surfaced with coarse chippings and is not impervious. Laying an impervious surface here would be both impractical and uneconomic.

Analysis of the effluent during the period of the leak showed that it was well within the emission limit values (ELV) given in the permit.

This recirculation part of the effluent treatment system is not under a preventative maintenance system, unlike the main effluent line. However, it is visually checked as part of daily, weekly and monthly checks. The forms used to record the results of these checks do not specifically refer to this pipework.

Action 2: Add checks on the recirculation pipework to the record sheets. Evidence to be received by NRW on or before 29th December 2023.

The area around the effluent treatment plant is rather overgrown with vegetation, making visual inspection more difficult.

Action 3: Clear the vegetation as soon as possible. Send photographic evidence to NRW by 13th October 2023.

Since this was an unpermitted release to ground it should be recorded for subsequent consideration in the site condition report, so that it could be included in any future permit surrender. Solutia have a comprehensive system for recording incidents and this one was seen on that system.

Permit condition 3.2.1 states "Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions."

Whilst there was a source, pathway and receptor, Solutia have taken steps to minimise any pollution in this area and so NRW do not feel that there was a realistic risk of pollution and a non-compliance will not therefore be issued. This opinion may change should further information become available.

Formaldehyde project - update

There was an exceedance of the ELV for formaldehyde in June 2023 and Solutia are investigating possible causes. The initial breach was due to a faulty valve but the investigation has revealed more possible sources. The other operator on site, AES, also discharge some formaldehyde and this is being quantified. The effect of start up and shutdown of the manufacturing plant on the treatment process is being investigated as well. The project is continuing and NRW will be informed of the outcomes in due course.

NRW would like to thank Solutia personnel for their time and assistance during this inspection.
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.

If your assessment result in Section 1 is suspended, what does this mean?

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 compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.