

Compliance Assessment Report CAR_NRW0042944

Permit being assessed: FP3031CW.

For: Pentre Agrochemicals Plant EPR/FP3031CW, **held by:** FMC Agro Limited

At: Headland Agrochemicals Limited Rectors Lane , Deeside, Flintshire, CH5 2DH.

Type of assessment: Site Inspection,

Reason: Routine.

On: 04/12/2023 between 10:00 and 12:00.

Parts of permit assessed: See Note 4 (below).

NRW Lead Officer: Carter Shone, accompanied by Paul Challender.

Report sent to: Alan Edge, EHS Manager, on 20/12/2023.

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)	
IR2A - Operations - Permitted activities	Assessed (A)	
IR3B - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	3.2.1
IR3C - Emissions and monitoring - Odour	Assessed (A)	
IR3D - Emissions and monitoring - Noise and vibration	Assessed (A)	

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

Total 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
IR1A	Establish procedure for more frequent checks on the Outdoor tamper tags and ensure Tamper tags are replaced as soon as possible after being broken.	31/01/2024

Criteria	Action needed	Complete by
IR3B	Ensure curbing containment boundry is impermeable and present to NRW procedure for its preventative matanace.	31/01/2024

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.

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

Natural Resources Wales senior industry and waste regulation officers Carter Shone and Paul Challender visited FMC Ltd on the 4th of December 2023. This was a pre-arranged familiarisation visit and site inspection accompanied by the EHS Manager, EHS assistant manager, Plant manager, Engineering project leader and Engineering intern.

General management

There has been marked improvements with the majority of the spill kits now being secured with tamper tags. A broken tag was found with the spill kit adjacent to the current nitric tank. The operator explained that drivers mistake the spill kit for a bin and break the tag. No waste was found in the spill kit and nothing had been removed.

Observation regarding site tamper seals were made during a previous site inspection on the 07/09/2022. An extract of corresponding Compliance assessment report (CAR_NRW0040394) is shown below:

The Emergency - Spillage Procedure, SOP Number HSE010, Revision Number: 9, Date of Revision 31/03/2021 was provided prior to the inspection. This document described the roles and responsibilities regarding spill kit tamper tags. Tamper tags are in place to ensure that a spill kit has a complete complement of components as per the last full check. During the inspection several spill kits were observed several were observed to be lacking a tamper tag. The lack of a tamper tag cast doubt of the contents of a spill kit and in the event of responding to a spill, the kit may not be complete leading to delays in remediating spills. This concern was further compounded by the lack of items on the proactive 'absorbent stations' despite stock being available to refresh the stations.

Action: Establish procedure for more frequent checks on the Outdoor tamper tags

and ensure tamper tags are replaced as soon as possible after being broken.

Permitted activity

Officers were provided a full tour of the facility. The plant was operational at the time.

Incoming raw materials were clearly marked and stored neatly as were the finished products.

The 2 large herbicide tanks are no longer being used and all remaining herbicides are contained in IBCs inside the building which provides them with containment.

All other IBCs containing liquids are stored within the building.

The site

The majority of the site was in good condition; it was clean and tidy with no damage to the impermeable surface or the newer curbing on the southeast perimeter of the site being observed.

However, the curbing of the northeast perimeter line has become degraded. Especially in the corner adjacent to the storage of the ammonium nitrate, with a number of the curbing blocks having 1cm gaps between them.

This has resulted in a category 3 score against permit condition 3.2.1 under compliance criteria (IR3B) Emissions of substances not controlled by emission limits. The '*defective containment infrastructure*' could potentially lead to a bypassing of the containment system causing pollution.

Score: IR3B – Emissions of substances not controlled by emission limits. Permit Condition 3.2.1. Compliance Score C3.

Action: Ensure curbing containment boundary is impermeable and provide to NRW evidence of procedures for its scheduled preventative maintenance.

No odours were noted during the inspection

No offsite noise was noted during the inspection.

New nitric tank

Officers were provided with a presentation of plans for the replacement of the existing nitric tank which is coming to end of life. The new tank will be fully bunded and scrubbed. Plans for a permanent platform to be built for monitoring are also in place.

The new tank is expected to be installed between February – March 2024.

The operator is reminded that the use of the new tank would potentially be subject to a permit variation and can not be used until permit variation has been determined. NRW officers also advise that the existing tank be kept operational until this time.

Please refer to the link below for NRW permitting guidance pages as sent to you in the previous CAR (CAR_NRW0040394) and an email from officer Carter Shone dated 15/12/2023.

<https://naturalresources.wales/permits-and-permissions/installations/apply-to-vary-change-a-permit-for-installations/?lang=en>

Please refer to the below guidance for requirements for the monitoring platform:

[technical-guidance-note-m1-monitoring-sampling-requirements-for-stack-emission-monitoring-saesneg-yn-unig.pdf \(naturalresources.wales\)](#)

Any questions please contact your lead NRW officer.

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.