

Compliance Assessment Report CAR_NRW0043124

Permit being assessed: BR97151B.

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

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

Type of assessment: Report/Data Review,

Reason: Routine.

On: 14/12/2023.

Parts of permit assessed: Schedule 5 Notification - TH3 benzene/biphenyl leak.

NRW Lead Officer: Rebecca Green.

Report sent to: Stephen Thomas, Environmental Specialist, on 09/02/2024.

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	C3 Minor	1.1.1 (a) - maintenance
IR2C - Operations - Operating techniques	C3 Minor	2.3.1 (a) - Safety systems
IR1A - Management - General management	Action only (X)	
IR3A - Emissions and monitoring - Emissions to water, air or land	Assessed (A)	
IR3B - Emissions and monitoring - Emissions of substances not controlled by emission limits	Assessed (A)	
IR4C - Information - Notification	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
2	8

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	Review calibration schedules for all safety system	Already

Criteria	Action needed	Complete by
	instruments and associated equipment	completed
IR2C	Review SRS trip points and operating procedures and checklist for start-up and drain valve positioning.	Already completed
IR1A	Refresh operators' training	01/03/2024

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.

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 13th October 2023 Natural Resources Wales (NRW) received a Schedule 5 Notification, Part A, from Solutia informing them that there had been a loss of 4,300Kg of a benzene/biphenyl mixture from the TH3 Reflux Drum Drain. Part B of the Schedule 5 was received on 14th December 2023. The plant was shut down as soon as the release was discovered. The release drained into a sump and from there into a nitrogen inerted separator tank. The benzene/biphenyl was pumped into IBCs and it was all recovered. None was lost to the environment, confirmed by analysis of the site surface water. The release was caused by the simultaneous failure of several safety systems, which is of concern to both NRW and the Health and Safety Executive (under the CoMAH regulations). Solutia have been issued with two Cat3 non-compliances.

The failure of the safety systems was due to several factors.

Some sensors had drifted out of calibration. Solutia have reviewed the maintenance frequencies for safety system instrumentation and they should ensure that schedules are adhered to.

Trip points (SRS) were not selected for all process conditions. Solutia have modified SRS trip points.

The timed shut-off device was in the incorrect mode so that it did not close on the timer and therefore remained open.

The change in positioning of the drain valve and changes to the drain line were not identified in operating procedures, checklists and other documentation.

Solutia should review their management of change processes, start-up operating procedures and checklists.

Action IR1A: Ensure operators, maintenance staff and other relevant personnel are fully aware of, and receive training concerning the modified procedures, operating procedures, planned maintenance frequencies and checklists. Evidence that this training has been completed to be received by NRW by 1st March 2024.

This incident released a large amount of a benzene/biphenyl mixture which could have caused a significant pollution had it reached the surface water system. Fortunately the secondary containment was of sufficient volume to contain the release and Solutia's prompt action in shutting down the plant prevented any further release. An investigation into the root causes of the incident revealed

several shortcomings which Solutia rectified very promptly.

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.