

## Compliance Assessment Report CAR\_NRW0043576

**Permit being assessed:** BV4223IE.

**For:** Llanelli Plant , **held by:** Huntsman Corporation (UK) Ltd

**At:** LLANELLI PLANT BYNEA , LLANELLI, LLANELLI, DYFED, SA14 9TE.

**Type of assessment:** Report/Data Review,

**Reason:** Routine.

**On:** 31/12/2023.

**Parts of permit assessed:** 2023 Monitoring Returns .

**NRW Lead Officer:** Elliot Jones.

**Report sent to:** Joshua King , EHS Manager, on 23/02/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2
IR4B - Information - Reporting	Assessed (A)	
IR4C - Information - Notification	C3 Minor	4.3.1
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2
IR4B - Information - Reporting	Assessed (A)	
IR4C - Information - Notification	C3 Minor	4.3.1

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

Total non-compliances recorded	Total non-compliance score
4	16

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
IR3A	Take appropriate action to reduce Suspend solid levels to below that stated in Environmental Permit.	30/04/2024

Criteria	Action needed	Complete by
IR4C	Notify NRW via schedule 5 should a breach of Emission limit occur.	31/03/2024
IR3A	Take appropriate action to reduce Suspend solid levels to below that stated in Environmental Permit.	30/04/2024
IR4C	Notify NRW via schedule 5 should a breach of Emission limit occur.	31/03/2024

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

#### Huntsman Corporation UK Limited

Huntsman Corporation UK limited operates in accordance with EPR/BV4223IE

Huntsman operates a specialist organic chemical plant with a capacity of 37,000 tonnes per annum, located on the site of former Bynea Steel Works, running along the Eastern and North-eastern boundaries is the river Loughor.

#### Purpose of Compliance Assessment

The following monitoring returns and report have been assessed within this Compliance Assessment Report (CAR):

- Quarter 3 (Q3): July - September 2023 Point Source Emissions to Water (W1)
- Quarter 4 (Q4): October - December 2023 Point Source Emissions to Water (W1)
- Bi- Annual 2: July - December 2023 Monitoring Returns, Emissions to Air
- Annual Performance Parameters

#### Compliance Assessment

##### Q3 Point source emissions to Water: W1

Operator has submitted the relevant results for all quarterly parameters required over this period. Q3 Monitoring returns received outside the 28 days reporting period stated in clause 4.2.2 of the permit. Returns received 9<sup>th</sup> November 2023.

**Action: Ensure monitoring returns reported within 28 days of the end of the reporting period.**

Suspended solid monitoring result is in breach of emission limit value stated in Table 3.2 of the environmental permit. Reported value 13.2kg/day, emission limit stated in permit 3kg/day.

The operator must ensure that all appropriate measures are taken to reduce suspended solid discharge below the permitted level, failure to comply is considered a breach of permit condition 3.1.2 In accordance with non-compliance scoring guidelines, a non-compliance score of C3 has been allocated against criteria IR3A- Emissions to water, air, or land.

Failure to notify Q3 W1 Suspend Solids exceedance.

Issuing a schedule 5 notification when a permit breach has occurred is a requirement of the environmental permit. Notification must be issued within 24 hours of known compliance breach. Failure to notify NRW operative at all or in a timely manner is contrary of condition 4.3.1. In accordance with non-compliance scoring guidelines, a non-compliance score of C3 has been allocated against criteria IR4C Notification.

**Action: Requirements for operator to notify NRW when monitoring result is above the emission limit stated within environmental permit. Schedule 5 must be issued within 24 hours notifying officer of non-compliance.**

Q4 Point source emissions to Water: W1

Operator has submitted the relevant results for all quarterly parameters required over this period. Monitoring returns received, 9<sup>th</sup> January 2024. Suspended solid monitoring result is in breach of emission limit value stated in Table 3.2 of the environmental permit. Reported value 6.7kg/day, emission limit stated in permit 3kg/day.

The operator must ensure that all appropriate measures are taken to reduce suspended solid discharge below the permitted level, failure to comply is considered a breach of permit condition 3.1.2 In accordance with non-compliance scoring guidelines, a non-compliance score of C3 has been allocated against criteria IR3A- Emissions to water,air or land.

Failure to notify Q4 W1 Suspend Solids exceedance.

Issuing a schedule 5 notification when a permit breach has occurred is a requirement of the environmental permit. Notification must be issued within 24 hours of known compliance breach. Failure to notify NRW operative at all or in a timely manner is contrary of condition 4.3.1. In accordance with non-compliance scoring guidelines a non-compliance score of C3 has been allocated against criteria IR4C Notification.

**Action: Requirements for operator to notify NRW officer when monitoring result is above the emission limit stated within environmental permit. Schedule 5 must be issued within 24 hours notifying officer of non-compliance.**

Bi- Annual 2: July - December 2023 Monitoring Returns, Emissions to Air

Operator has submitted the relevant results for all quarterly parameters required over this period. Results have been assessed and are in compliance with that stated in Table S3.1 with no breaches of emission limit values. Monitoring returns received within the 28 days as stated in clause 4.2.2 in permit.

Annual Performance Parameters

Annual performance parameter returned in conjunction with 2023 Quarter 4 Monitoring returns. Required

monitoring performance parameter have been recorded. Reported values deemed suitable.

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](mailto: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](mailto: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.