

Compliance Assessment Report CAR_NRW0044256

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: 10/05/2024.

Parts of permit assessed: Schedule 5 Notifications - Formaldehyde discharges.

NRW Lead Officer: Rebecca Green.

Report sent to: Steve Thomas, Environmental Specialist, on 10/05/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Installations - Management - General Management	C3 Minor	1.1.1 (a) Maintenance of control systems
IR1A - Installations - Management - General Management	Action only (X)	
IR3A - Installations - Emissions and monitoring - Emissions to water, air or land	C3 Minor (Suspended)	3.1.2 Emissions to water
IR3E - Installations - Emissions and monitoring - Monitoring	Assessed (A)	
IR4B - Installations - Information - Reporting	Assessed (A)	
IR4C - Installations - 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	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	Control valve replaced. Level gauge repaired.	Already completed
IR1A	Investigate feasibility of installing alarm or automated trip device. Inform NRW of outcome by due date.	16/08/2024
IR3A	Comply with actions under IR1A.	16/08/2024

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

This CAR form relates to several breaches of the emission limit value (ELV) for formaldehyde emissions to water which occurred during weeks ending 8th - 23rd June, 17th August and 14th December 2023. The first Schedule 5 A Notification was received on 9th June 2023, the second on 14th December 2023 and the completed Schedule 5 B covering both Schedule 5 As on 9th May 2024. It was agreed that Solutia would not need to submit individual notifications for each one because it was believed that the causes were the same, except for the breach on 14th December 2023.

The average formaldehyde emission during 8th - 23rd June was 15.8mg/L; the ELV is 10mg/L. Initially this was thought to be due to a number of factors and weekly formaldehyde emission results were reported to Natural Resources Wales (NRW) while Solutia investigated the possible causes. These exceedances were found to be due to a malfunctioning control valve which did not close fully, resulting in effluent bypassing the effluent treatment process. The valve has been replaced and formaldehyde emissions to water are now within the ELV.

Actions: Solutia should endeavour to improve their planned maintenance programme for these systems across all of their operations.

It would be useful if the investigation into other sources of formaldehyde were continued. Solutia should also comply with the actions detailed under IR1A and IR3A above.

The ELV breach reported on 14th December 2023 was due to a single event. The formaldehyde emission was 13.1mg/L; the ELV is 10mg/L. It was due to an overflow of the Dequest Amino 'Scrub Water Tank' (SWT) which did not undergo treatment as intended. This overflow was caused by a level gauge malfunction for ~4hrs. The process was shut-down while the level device was repaired.

Action: Send the results of the review mentioned under IR1A above to NRW by the due date.

This has been an on-going problem which Solutia have investigated and rectified. NRW have been kept informed of the progress and it is gratifying to see that the breaches were finally identified as being due to two discrete events. This does raise the problem of routine maintenance for this type of control device which Solutia must consider seriously, given the nature of their operations and the public interest in the site.

NRW support the plan, if feasible, to install additional level alarms or automatic trip devices.

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.