

## Compliance Assessment Report CAR\_NRW0046777

**Permit being assessed:** BU7545IM.

**For:** Sherwin-Williams Packaging Coatings Deeside, **held by:** Sherwin-Williams UK Ltd

**At:** Parkway, Deeside Industrial Estate, Deeside, Flintshire, CH5 2NN.

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

**Reason:** Routine.

**On:** 28/03/2025.

**Parts of permit assessed:** See Below.

**NRW Lead Officer:** Philip Harper.

**Report sent to:** EHS Manager, EHS Manager, on 28/03/2025.

### 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)
IR2C - Installations - Operations - Operating techniques	C3 Minor	2.3.1(a)
IR3A(2) - Installations - Emissions and monitoring - Emissions to air	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	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	See action in main text.	30/04/2025
IR2C	See action 1 in main text	30/04/2025

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

#### **Quarterly reporting of emissions – Q1 (January – March 2025)**

VOC monitoring returns for Sherwin Williams UK Ltd, Deeside Packaging Coatings, Parkway, Deeside Industrial Park, Deeside, Flintshire, CH5 2NN, permit no EPR/BU7545IM corresponding to Q1 2025 were received by Natural Resources Wales on the 18<sup>th</sup> March 2025 as required by permit condition 3.3.1(a), Schedule 3, Table 3.1.

A review of the monitoring returns was undertaken by Phil Harper, Senior Industry & Waste Regulation Officer on the 27<sup>th</sup> March 2025.

#### **Emission point A3**

##### **Total Class A VOCs as Individual VOCs**

Sampling for VOCs was undertaken at A3 on the 4<sup>th</sup> March 2025. A value of 124 g/h of VOCs has been reported against the permitted value of 100 g/h. Whilst this represents a permit breach at A3, the value lies within the reported uncertainty value of  $\pm 30.6\%$  which has been provided for the analysis. No score has been applied on this occasion.

A breach had been observed at emission point A3 in the return for Q4 for 2024 and is discussed with actions in compliance assessment report CAR\_NRW0045997 which was issued to the operator on the 4<sup>th</sup> February 2025.

CAR\_NRW0045997 provided actions to the operator which required that the scrubber at emission point A3 was inspected to ensure that it was operating as designed by the 28<sup>th</sup> February 2025.

An investigation which was undertaken by the site found that the scrubber fan had been isolated to allow for a pump repair. On reinstatement of the pump, the fan flow rate was set to 10% rather than its optimal rate of 50% leading to poor dispersal. On request of the relevant management documentation for the operation of the scrubber it was found that there were no written instructions for fan flow rate at emission point A3 or a an instruction to operatives to ensure that the fan was set to the correct setting following repair work.

The operator has stated that documentation will be updated to include this information.

NRW considers that the omission of these information from the operating procedures for environmentally critical equipment is a breach under permit condition 1.1.1(a) which states that

*"The operator shall manage and operate the activities (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints"*

**A category 3 score has been applied under subheading IR1A General Management.**

### **Operating Techniques**

Operating details for the ethyl acrylate scrubber at A3 are disclosed within the sites permit application documents. The documents describe that a variable speed fan and volume flow rate control system should be in place downstream of the scrubber and should deliver approximately 90 m<sup>3</sup>/h of air under all column bed and plant conditions.

NRW has taken the view that by not ensuring that air delivery was optimally set following the fan isolation, the operator has failed to adhere to the permitted operating techniques. This has attracted a **category 3 score** against permit condition 2.3.1(a) *"The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by Natural Resources Wales."*

**A category 3 score has been applied under subheading IR2C Operating Techniques.**

**Action 1:** Review and update the sites environmental management system to ensure that flow rate settings for site abatement is included by the **30<sup>th</sup> April 2025**.

### **Notification**

The operator is reminded that where breaches are detected then a schedule 5 form as attached to the site permit, must be sent to NRW in accordance with permit condition 4.3.

Kind Regards

**Phil Harper**

**Senior Industry and Waste Regulation Officer NE**

**03000 65 3717/ 07890025506**

**philip.harper@cyfoethnaturiolcymru.gov.uk**

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.