

Compliance Assessment Report

Report ID:
CAR_NRW0034677

This form will report compliance with your permit as determined by an NRW officer

Site	Alyn Works EPR/BU2349IL	Permit Ref	BU2349IL		
Operator/Permit holder	Synthite Limited				
Regime	Installations				
Date of assessment	06/12/2018	Time in	15:30	Out	17:00
Assessment type	Site Inspection				
Parts of the permit assessed	Incident response procedures and 2018 monitoring returns				
Lead officer's name	McGregor-Andrew, Sian				
Accompanied by					
Recipient's name/position	Greg Hickman/ HSE Officer	Date issued	15/02/2019		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
B4 - Infrastructure - Containment of stored materials	X	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	5.1.1.4 and 5.1.2
	C4	4.1.2, 4.1.3 and 4.1.5

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	4.1
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Site visit on 6th December 2018 - mains water flooding incident

A site visit was made in response to reports that a mains water burst on the A541 Debig Road was causing flooding on the site. Emergency measures were put in place to allow for temporary overpumping of incoming mains water from the front of the site to the River Alyn to prevent as much water as possible entering the site and processing areas, and to protect against the effluent treatment plant being overwhelmed. Vehicles passing along the main road were causing waves of the mains water to enter the site even after the water main was isolated and over-pumping from the fields opposite had commenced.

The volume of water entering the site did overwhelm the site containment wall and leave the low point of the site adjacent to the River Alyn for a period, despite the overpumping and additional tankering by Dŵr Cymru-Welsh Water to remove the mains water. This resulted in an overland release to the River Alyn, which was sampled by NRW and indicated minor levels of contamination as shown below:

Biphenyl: 10ug/l in discharge, 4ug/l approx.20m downstream.

Diphenyl: 31ug/l in discharge, 10ug/l approx.20m downstream.

The substances detected are indicative of heat transfer fluid. A number of empty and partially empty IBC containers were stored in the area of the yard that was flooded, these were moved as access was available, a number of IBCs were also moved to prevent flood water being diverted through the processing areas.

None of the on-site containment bunds were breached and the lagoons did not overtop. Other than the short-lived overtopping of the containment wall all waters from site were either treated via the lagoons and discharged to sewer, or were tankered off site for disposal.

The onsite treatment lagoons were proactively managed and remained operational throughout despite the reduction in normal effluent strength and a temporary increase in permitted discharge volume to sewer was agreed with Dŵr Cymru.

The groundwater abstraction and discharge via W1 continued throughout the incident.

Action: Please review the storage arrangements for the low point of the site adjacent to the River Alyn and minimise the amount being stored in this area.

Post-incident meeting on 16/01/2019.

A meeting was held with Greg Hickman and Keith Polden to review the response to incident and the outcome of the operator's internal investigation. A summary of actions, conclusions and recommendations from that review were provided to NRW.

The burst is believed to have occurred on 5th December, with water first entering the site around 9pm that evening.

NRW considers that the operator took appropriate actions during the incident to prevent and minimise the impact of the floodwater entering the site and to treat or dispose of as much of the water as was possible at the time. The volume of water entering as a result of the burst water main caused the overtopping of the containment wall and discharge of surface water with low-level contamination to the River Alyn and therefore is not deemed to be a permit non-compliance.

Reviews of NRW's incident records showed that we did not receive any formal notification of the incident from either Dŵr Cymru or from the site on either 5th or 6th December, and the first confirmation of an issue affecting the permitted operations was a request from DCWW for advice on tankering from the site to a local wastewater treatment works.

Condition 5.1.1.4 requires that 'The operator shall notify without delay of any incident which has caused, is causing or has the potential to cause significant pollution'. Condition 5.1.2 requires written confirmation of such events within 24 hours. **CCS score 3 against criteria G4 Reporting and Notifications.**

Action: As discussed in the post-incident meeting NRW would expect to be notified of incidents of this magnitude at the earliest opportunity to enable us to provide advice and liaise with other agencies to effect a prompt response. Please review reporting and notification procedures to ensure that they require this type of incident to be notified **by 14/03/2019.**

Monitoring returns and annual reporting

Quarterly monitoring returns for emissions to air, sewer and water:

Quarter 1 - report received on 17/04/2018

Quarter 2 - report received on 27/07/2018

Quarter 3 - report received on 25/10/2018

Quarter 4 and annual reports received 13/02/2019

There were no exceedances of the permitted emission limit values

A site meeting was held on 19/07/2018 to discuss a rising trend in the levels of formaldehyde at the culvert sump pump monitoring point during April 2018. A leaking reboiler gasket caused formalin solution to enter the culvert via a redundant trench. All water from the culvert is pumped to the lagoons for treatment via the ETP and the redundant trench has now been filled with concrete to eliminate this pathway in future. No impact was observed in the groundwater monitoring boreholes indicating that the culvert sump pump was effective in transferring the leak to the lagoons for treatment.

It was agreed that internal trigger levels of 5mg/l ammonia and 50mg/l formaldehyde for the sump weekly monitoring would be set to instigate prompt investigation, further monitoring of any elevated levels in the culvert and to take additional samples of groundwater monitoring boreholes to ensure the groundwater pumping regime remains effective. These trigger levels have since been implemented as detailed in the SPMP review. As discussed in the meeting NRW would expect that any sustained or unusually high results at the sump pump would be reported via Schedule 1 notification. A notification under Schedule 1 for the April sump pump results was submitted on 24/07/2018. **Late notification is consolidated into the CCS 3 score under criteria G4 - reporting and notification above.**

Annual reports

Annual reports for water and energy usage and waste disposals and recovery were received on 13/02/2018. Annual EMS targets and achievements and a review of fugitive emissions were also received on that date, providing the information required by conditions 4.13, 4.14 and 4.15.

Late notification of Q4 returns, EMS targets and performance indicators is scored CCS 4 score under criteria G4 - reporting and notification above.

EPR Compliance Assessment Report

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Site	Alyn Works EPR/BU2349IL	Permit Ref	BU2349IL
Operator/Permit holder	Synthite Limited	Date	06/12/2018

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
G4	C3	review reporting and notification procedures	14/03/2019
B4	X	Review storage arrangements for IBC and other containers stored outdoors in the lower end of the yard.	05/04/2019
G4	C4	review reporting and notification procedures	14/03/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.