

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

Site	Pembroke Refinery	Permit Ref	YP3930EX		
Operator/Permit holder	Valero Energy Ltd				
Regime	Installations				
Date of assessment	21/12/2018	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	See below				
Lead officer's name	Broom, Mark				
Accompanied by	Gibson, Paul, Evans, Gary Lewis, Morgan, Philip				
Recipient's name/position	Neil White/ Environmental Engineering Manager	Date issued	21/12/2018		

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	C2	3.1.1 Table S3.2
D2 - Incident Management - Accidents, emergency and incident planning	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

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	1	Total compliance score (see section 5 for scoring scheme)	31
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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

Valero Energy Ltd notified NRW in accordance with EPR permit of a leak of heavy fuel oil direct to the Milford Haven water way (Special Area of Conservation) in the early hours of the morning of 7 December. The release at that time was estimated at 50 Litres of oil.

On the morning of the 7th of December NRW were also notified of 'blobs' of oil along the shore line at Burton Ferry by a local dog walker via the incident hotline.

Shortly after the reports attendance at Burton Ferry by NRW and Local Authority confirmed oil across the shoreline. This resulted Multi-Agency telecon with NRW, Pembrokeshire County Council and Valero subsequently resulted in resources being deployed to clean up the shore line. Approx. 10 Valero staff were deployed to remove contaminated materials from the beach. Industry Regulation (IR) officers inspected the area along with local Environment Officers and took formal samples for Oil identification. Oil 'blobs' were predominantly on the strand line. No visible oil sheen was seen in water body. Also over the following days, there were a number of oiled birds reported to have been seen in those areas. The beaches included Burton Ferry, Pennar and Neyland which lie within the Haven SAC designation. Lumps of viscous oil were found on these beaches together with a mixture of oil and seaweed on the strand line. Pembrokeshire Local Authority placed signs on contaminated foreshore at Burton Ferry due to local amenity use (dog walkers, boat users, anglers, public house adjacent).

Industry Regulation officers (Paul Gibson and Gary Evans) attended the refinery to inspect the jetty. The leak occurred on sea line No1 directly over the haven. The pipeline is utilised for heavier products such as Heavy Fuel Oil and Vacuum Distillation Residues and is steam traced due to the viscosity of the material. The pipe is lagged with no visible damage however oil was seen emanating from the lagging covers. Valero had installed a tarpaulin beneath the pipe and a tanker was used to extract any oils leaking from the pipeline on to the weighed down tarpaulin. There was no visible release to the environment at time of the inspection of the jetty as the remedial measures were containing the leak. A sample of the oil from the sea line was retrieved from Valero and taken by NRW for analysis.

NRW carried out further inspection of the jetty on the 10th December (Mark Broom and Gary Evans) and on the 14th of December (Gary Evans and Phillip Morgan) and formal oil samples, a sample of the lagging and further photographs were taken of Sea Line No 1 on Berth 4 area.

The photographs 1, 2 3 & 4 show the Sea line prior to the lagging being removed with a tarpaulin located under the line. The subsequent visits photographs show that Valero have installed a lined scaffolding area under the line prior to removal of the lagging on the sea line for further identification of the failure and initiate a potential repair/replacement of the line.

Subsequent analysis of fuel oil and sample on Burton Ferry beach matched (both Valero's own analysis and NRW lab).

The initial estimated release quantity is likely to be increase based on the initial report and NRW

will require Valero (Part B Notification) to clearly outline an updated release quantity based on their investigations. There was limited environmental impact from this incident, but the Industry Regulation Team has concerns over increasing frequency of spills from the jetty and seek to take prompt regulatory action due to the significant pollution potential.

The notification of this event was made according to the permit requirements (EPR YP3930EX) under condition 4.3.1.

The release to water was not from a permitted release point (EPR YP3930EX) at the Valero refinery and is therefore contrary to the permit condition 3.1.1 (Table S3.2).

The effect of the release has been scored a CCS2. A CCS2 score for the release due to the potential of a significant impact. As a protective response, an Enforcement notice will also be served in the New Year, following dialogue with Valero, requiring a review their 'Scheme of Examination' for the jetty including leak detection and maintenance.

The Multiagency response involving Pembrokeshire CC, NRW Valero and others was convened. A number of Situation Reports (Sitreps) were issued over this period for use within NRW and these were also provided to a number of external organisations. This Multiagency approach lasted until Friday 14/12/18. The attached photos 5, 6 & 7 show the nature of some of the oil seen on the Haven beaches.

Valero have provided resources and have provided storage facilities for the multiagency oil clean-up operation (Condition 1.1.1a). Around 10 one tonne builders bags of mixed oil and seaweed were collected by Valero from the Burton Ferry beach. This material was taken back for safe storage at the Refinery pending disposal/recovery. Contractors were deployed to clean-up the locations where oil has made landfall.

This CAR Form will require an updated (as soon as practicable) Part B Notification (Condition 4.3) detailing the following: -

- Any more information on the matters for notification under Part A
- Measures taken, or intended to be taken, to prevent a recurrence of the incident.
- Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission.
- The dates of any unauthorised emissions from the facility in the preceding 24 months.

Once the formal Part B follow up has been received outlining Valero's plans to prioritise and assess the integrity of all the transfer lines that run between the storage tanks at the refinery and the berths, the investigation into this event can be formally concluded by issuing a Notice that uses the information in the Part B response.



EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034390**

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Operator/Permit holder	Valero Energy Ltd	Date	21/12/2018

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
B4	C2	Develop a strategy to assess the integrity of the ship to shore transfer lines	31/03/2019

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.