

**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	22/08/2017	Time in	09:00	Out 17:00
Assessment type	Audit			
Parts of the permit assessed	See below			
Lead officer's name	Broom, Mark			
Accompanied by	Jeremy Walters			
Recipient's name/position	Neil White/ Environmental Engineering Manager	Date issued	29/09/2017	

### 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
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
C2 - General Management - Management system and operating procedures	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.

<b>Number of breaches recorded</b>	<b>0</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>0</b>
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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

Karen Muehlbauer (VEL)

Neil White (VEL)

David Pollack (ERM)

Hannah Beeby (ERM)

Mark Prestwich (VEL)

Gary Neville (VEL)

Jeremy Walters (NRW)

Mark Broom (NRW)

### **Cogen CHP project Planning update**

The Project has gone to planning (PINS) and they have agreed to go to written representations rather than a hearing. Pembrokeshire Council and PINS will be visiting site on 5/9/2017. The timeline for this issue becomes 5 weeks for the report that then goes to the decision group and then to the Minister. Valero's expectation is that they could have a decision in October. Once the planning and permit have been decided, then if both are successful the Pembroke refinery can go for Valero approval in the States.

### **Noise**

Based on the contextual arguments and the justification for the site having an industrial background so the tonal penalty has not been applied. NRW has reviewed the noise modelling and have now validated

the outputs. This issue now appears largely resolved by the use of pre-operational and improvement conditions in the draft permit.

### **NOx releases for the CHP**

The Valero refinery produces around 3000T of NOx a year. The CHP turbine will contribute around 100T but there will also be a reduction in the amount of steam produced by the existing boilers to offset this 100T figure. The purpose of the CHP is not to produce only electricity but also steam for solely for the refinery. The Valero CHP does not appear to be described in the BATc as it is not a CCGT nor is it an OCGT. The proposed plant is not a standalone unit – the refinery has to operate for the CHP to be used as it provides the steam and power for the refinery – it is not a commercial activity and cannot be bypassed. It does meet the CHP QQA criteria.

There is a case that can be made that the proposed CHP is an integral part of the refinery and therefore could be considered under that Bref note rather than the LCP BATc. This conclusion will be reviewed by NRW centrally.

### **Other issues**

FCCU NOx ELV – NRW confirmed that the ELV that will be used for Valero will be 700 mg/m<sup>3</sup> as the FCCU at Pembroke uses Antimony passivation as part of the process operations. Confidence intervals can be removed from the results either before or after the bubble has been applied. The total nitrogen elv will be applied as an annual mean.

### **Meeting post script**

Following review of information NRW has decided that the LCP BATc applies but as the CHP is integral to the refinery operations NRW will include it in emission management plan but it will apply the limits in the LCP BATc. The permit has been drafted on that basis.

The CHP variation permit has since been finalised and is out for consultation planned to issue on the 20<sup>th</sup> of October 2017

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0032218**

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Operator/Permit holder	Valero Energy Ltd	Date	22/08/2017

### 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.

### 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			

## 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](mailto: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.