

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	09/05/2017	Time in	10:00	Out	13:00
Assessment type	Audit				
Parts of the permit assessed	see below				
Lead officer's name	Broom, Mark				
Accompanied by					
Recipient's name/position	Neil White/ Environmental Engineering Manager	Date issued	21/06/2017		

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
<p>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.</p>		

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

Neil White – VEL

Clare James – VEL

Tom Day – VEL

Helen Kelly – VEL

The EA (Sean Pruce and Jo Nettleton) met with UKPIA (Chris Hunt) on 28 March 2017. There was a keenness from the EA and UKPIA to avoid the problems they all had implementing the Chapter 3 permits. One of the outcomes was to hold a meeting about a number of the Refinery BATcs that are causing concerns for either UKPIA members and/or the EA.

UKPIA set up a joint Regulators and Industry meeting to

- agree the approach
- to develop a way forward for the three subgroups and have a
- timetable for the sub group conclusions.

The terms of reference has been simplified and made more generic. At this meeting (3 May 2017), three sub groups were proposed –

- i air monitoring issues – BATcs 4, 5 and 6
- ii water monitoring issues – BATcs 10, 11 and 12 plus WFD issues
- iii air emissions management – BATcs 57, 58 (bubble) 26, 55, 56 34/35/36, VRUs (49/50/51/52) and the overlap between the refinery and LCP BATc issues

Each sub group will be facilitated by a UKPIA member and have a secretariat from the regulators who will set up the telecoms and make a record of the meeting actions and decisions – not formal minutes. The first meeting of each sub group will be face to face. The meeting venue is likely to be Stanlow 19th groups 1 and 3 back to back on 17 May and group 2 the following day. The timescale for these groups is to do the majority of the reviewing work before the summer break and then have a finalised positions by September. This target will fit in with the EA's plans for issuing the refinery permits in April 18.

EA will field Rick Gould for group 1, Mike Healy for group 2 and Charlotte Sholl will participate in all three groups. SEPA will field a monitoring person for group 1 and David Fisher for group 2/3. Andy Roberts will, like Charlotte, attend all three meetings and most of UKPIA members will participate in each of the three groups.

NRW is looking to participate in all three groups with Andy Collins in Group 1, Jeremy Walters in Group 2 and either Gary or myself or Jez or Saul in group 3.

Valero wanted to review each of the BATcs relevant to these groups.

i air monitoring issues – BATcs 4, 5 and 6

Based on the submissions already made, the responses appear reasonable.

The obvious issue is BAT6 and how Valero carry out their VOC Leak Detection and repair program. This is based on a 'VOC camera' (Optical gas instrument – OGI) to identify the leaks, then they use a contractor to measure the identified leaks and based on the results repair or not the leak. This hierarchy of approach is logical. It may be that Valero may need to carry out a gap analysis with the relevant ISO standard - BS EN 15446:2008.

ii water monitoring issues – BATcs 10, 11 and 12 plus WFD issues

Again the Valero responses seem reasonable. They have bought a new GC to carry out the new oil method – Hydrocarbon oil Index (HOI BS EN 9377-2). NRW has previously said that BOD is not needed to be monitored. The metals suite will be carried out off site as is likely the Phenol index and the BTEX monitoring.

The issue for this BATc (10) is the monitoring frequency. Daily is flow proportional and is clearly compliant with the BATc. However for monthly and quarterly monitoring the BATc is strangely quiet. Valero currently take a composite sample for the first week in the period and then send the composite off for analysis. They are proposing to continue this approach for monthly and quarterly sampling frequencies.

The plans appear to have changed to meet the nitrogen limits. They are looking to have an anoxic zone within the effluent plant to help reduce the nitrogen levels. The system should be

able to achieve 25 mg/l as an annual mean to meet the BATc levels.

Related to this is the need to monitor for ammonia - as Total nitrogen is now required Valero do not need to monitor ammonia in the final effluent. So releases like fluoride, temperature and pH that is currently on the permit, will remain and ammonia, oil and phenols would be replaced by their BATc counterparts - Total nitrogen, Hydrocarbon oil index and the phenol index.

The use of a vacuum pump would reduce water usage over the use of steam ejectors on certain distillation processes – BATc 44. Valero have made a case to justify their continued use in their Reg 60 notice response.

For Pembroke the H1 assessments for the WFD issues came out as not significant. On that basis, there are no WFD issues for the Pembroke refinery.

This water monitoring group may be draw on the common waste water BATcs as there may be overlap in their interpretation between the refinery and chemicals sectors. See - <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016D0902&from=EN>

iii air emissions management – BATcs 57, 58 (bubble) 26, 55, 56 34/35/36, VRUs (49/50/51/52) and the overlap between the refinery and LCP BATc issues

NRW has outlined a view of the bubble BATcs in earlier CARs. As always the detail of the bubble holds the key to its implementation. How BATAELs was discussed. There is logic in using the same approach to Chapter 3 elvs so there is some consistency of application between the IED Chapter 3 ELVs and the BATAELs.

The issue of Jetties and Vapour Recovery units (VRUs) is now largely resolved at the Pembroke refinery – this may not be the case elsewhere.

Flaring is an issue that has come to the fore. It is clear that since Valero took over the control of the refinery the volumes of gases flared is visibly reduced. This reduction has been achieved by an intense review of the valves feeding the flare header systems. As with LDAR, this review could be delivered through the formal management system and to systematically and routinely review the valves feeding the flare headers. The 10T/day threshold is not in the Refinery Bat conclusions for refineries but comes from the EPR regulations - http://www.legislation.gov.uk/ukxi/2016/1154/pdfs/ukxi_20161154_en.pdf

See Chapter 5, Section 5.1, Part A1a – incineration of hazardous waste >10/day (page 63).

VDU and VBU offgas elvs. Based on the continued use of VDU/VBU offgas in the combustion plant for which Valero have justified their continued use, the ELVs would be 600 mg/m³ as those combustion plants would be multifuelled fired. This stance adopts the same approach as already used when NRW implemented the IED Chapter 3 elvs in the recent variation.

For the non LCP combustion plant (A11/A13 and A19), these could all go into the relevant bubble but these release points should not have particulate BATAELs because they only burn RFG and such plant are not required to have elvs.

AOB

In their species licence application for the bats in the switch room, Valero asked for permission to close the switch room door between Mid and the end of April. NRW issued a licence for this activity on the 2/5/2017. Since the issue date was after the requested closure date, Valero cannot close the door without holding a valid species licence and they will have to reapply to NRW for such permission.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0031677**

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	Date	09/05/2017

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. 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.