

**Environmental Permitting (England and Wales) Regulations 2010
Regulation 60(1)**

NOTICE REQUIRING INFORMATION

To: ENI Liverpool Bay Operating Company Limited
Talacre
Holywell
Flintshire
CH8 9RD

Permit reference: **DP3934EW**
Regulated Facility: **Point of Ayr Refinery**

The Natural Resources Body for Wales ("Natural Resources Wales"), in exercise of its powers under Regulation 60 (1) of the above Regulations, requires you to provide the information detailed in schedule 1. The information is required in order to review your permit. The information requested shall be sent to the following address by **30th June 2016**.

THE INFORMATION MUST BE SENT TO:

Gary Evans
Industry Regulation Team
Natural Resources Wales
Maes Newydd
Llandarcy
Neath Port Talbot
SA10 6JQ

Or by email to gary.l.evans@naturalresourceswales.gov.uk

Date: 10th March 2016

Signed 
Paul Gibson
Industry Regulation Team Leader

Please see over for notes

Ffôn/Tel 03000 653237
Ebost/Email gary.l.evans@cyfoethnaturiolcymru.gov.uk
gary.l.evans@naturalresourceswales.gov.uk

Maes Newydd, Llandarcy, Neath Port Talbot SA10 6JQ
Ymholiadau cyffredinol / General Enquires : 0300 065 3000

Maes Newydd, Llandarcy, Neath Port Talbot, SA10 6JQ.

Gwefan/Website www.cyfoethnaturiolcymru.gov.uk
www.naturalresourceswales.gov.uk

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

Environmental Permitting (England and Wales) Regulations 2010 Regulation 60(1)

Notes:

1. For the purposes of discharging its functions under the Environmental Permitting (England and Wales) Regulations 2010, Natural Resources Wales may (by virtue of Regulation 60(1) of those Regulations), require any person to provide information.
2. Failure to comply with this notice without reasonable excuse is an offence under Regulation 38(4)(a) of the Environmental Permitting (England and Wales) Regulations 2010, and may lead to legal action being taken against you.
3. Making any statement in response to this notice that you know to be false or misleading in a material particular, or recklessly making any statement which is false or misleading in a material particular is an offence under Regulation 38(4)(b) of the Environmental Permitting (England and Wales) Regulations 2010, and may lead to legal action being taken against you.
4. There is no right to appeal against this notice.
5. You may wish to seek independent legal advice.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency in Wales.

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SCHEDULE 1
INFORMATION REQUIRED

Natural Resources Wales is required to review your permit, following the publication of the revised Best Available Techniques (BAT) Reference Document for the Refining of Mineral Oil and Gas. The associated BAT conclusions to this document were published on the 9th October 2014 in the Official Journal of the European Union, a copy of which is provided at Appendix 1 to this schedule. This Notice sets out the information we require from you in order to be able to carry out that review. Subject to your response to this Notice we may vary your permit to ensure that it delivers compliance with the updated requirements.

The Energy Efficiency Directive (EED), requires operators to consider cogeneration or a district heating scheme to utilise waste heat from any new or significantly refurbished combustion plant with a total thermal input exceeding 20 MW. This may be relevant to your installation if you need to replace or substantially refurbish combustion plant, to meet the requirements of the BAT conclusions. In this instance you must provide the information described in paragraph 5 of this notice.

As part of our delivery of the Water Framework Directive requirements, we need to identify and assess the impact of all sources of hazardous pollutants to surface waters from regulated industry. Therefore for all discharges to surface water from your site, we require you to provide the information specified below.

Articles 16 and 22 of the Industrial Emissions Directive require that a quantified baseline is established for the level of contamination of soil and groundwater with hazardous substances, in order that a comparison can be made on final cessation of activities. The information required is specified in paragraph 8 of this notice.

Where the information specified in the points below has been previously submitted to and accepted by Natural Resources Wales, and where this remains current and valid, then it will not need to be submitted again. However, you will need to state this in your submission, specifying the nature of the information and the date it was submitted.

If any of the points below are not applicable to your installation, please state this within your submission.

Description of information

For each BAT conclusion, where relevant and its individual sub-elements contained within the BAT conclusions document named above; please:

1. Confirm whether or not you currently comply with the requirements of the BAT Conclusion, including and associated emission levels, providing a description of the techniques in place and how they meet the standard.
2. If you do not comply with the BAT conclusion, carry out a BAT Assessment.
3. Confirm:
 - a) If you intend to cease operating any activity which would be in breach of the relevant new BAT Conclusion after the compliance date, the date by which you intend to cease operation;or,
 - b) If you intend to continue operating any activity which would be in breach of the relevant new BAT Conclusion, after the compliance date, what your justification for being allowed to do so is, and by what date you intend to come into full compliance with BAT, or description of alternative measures to be adopted that will provide equivalent environmental protection.
4. Where there is a BAT Associated Emission Level (BATAEL) specified in the BAT conclusion, with which you will not comply, you must provide sufficient technical and commercial information to demonstrate that achieving that BAT AEL would lead to costs that are disproportionately high, compared with environmental benefits, due to one or more of:
 - i. the geographical location of your installation;
 - ii. the local environmental conditions around your installation;
 - iii. the technical characteristics of your installation.

No other justification for a derogation can be considered.

5. Where compliance with the BAT conclusions leads to the substantial refurbishment or installation of new combustion plant with an aggregate thermal input of greater than 20MWth, which generates more than 100kWth of waste heat, you must provide sufficient technical and commercial evidence to demonstrate compliance with Article 14, paragraph 5 of directive 2012/27/EU on Energy Efficiency. This must include an assessment of the technical feasibility and costs and benefits associated with installing a combined heat and power (CHP) system or providing district heating and, where this assessment shows that the costs are not disproportionate to the benefits, proposals to incorporate these measures

Description of information

into your plant.

6. For all discharges to surface waters from the site, you must provide emissions data following for the following hazardous pollutants: cadmium, mercury, nickel, lead, benzene, polyaromatic hydrocarbons and any other relevant substances. The emissions monitoring for these substances should be carried out using the methods and standards described in the M18 guidance on "Monitoring of discharges to water and sewer".
7. With reference to our guidance document H1 Annex D1 "Assessment of hazardous pollutants within surface water discharges", carry out the following assessments:
 - Phase 1 Part A screening tests for mercury, cadmium, nickel, lead, benzene, polyaromatic hydrocarbons and any other relevant substances.
 - Phase 1 Part B screening tests for the following priority hazardous pollutants: mercury, cadmium, polyaromatic hydrocarbons and any other relevant priority hazardous substances.
 - For any substance which is not screened out by the Phase 1 Part A or Part B screening tests you will need to carry out Phase 2 modelling, as described in H1 Annex D1.

You must provide us with the results from the emissions monitoring, the results from the screening tests and the results from any Phase 2 modelling.

You can use the H1 electronic screening tool to present the emissions data and to carry out the Phase 1 screening tests. We will provide a copy of the tool to your local representative at the site address.

With regard to the Phase 1 Part A screening a full list of relevant substances is provided in Tables 1 and 2 of Appendix 1 to the H1 annex D1 guidance. You should review the list and carry out the screening for any substances, in addition to those specified in this letter, that you think may be present in your discharges to surface water.

With regard to Phase 1 Part B screening for priority hazardous pollutants, Table 1 in section 2.3.3 of H1 Annex D1 provides a full list of relevant priority hazardous substances and their associated annual significant loads.

8. Where your activity involves the use, production or release of relevant hazardous substance (as defined in Article 3(18) of the Industrial Emissions Directive) carry out a risk assessment considering the possibility of soil and groundwater contamination at the installation with substances. Where any risk of such contamination is established either;
 - Prepare and submit a baseline report containing information

Description of information
<p>necessary to determine the current state of soil and groundwater contamination.</p> <p>or</p> <ul style="list-style-type: none"> • Provide a summary report referring to information previously submitted where you are satisfied that such information represents the current state of soil and groundwater contamination. <p>so as to enable a quantified comparison to be made with the state of soil and groundwater contamination upon cessation of activity.</p> <p>Where you have concluded that there are no risks of soil or groundwater contamination, provide a copy of the risk assessment.</p>