

Ms Catherine Jones  
ENI Liverpool Bay Operating Company Limited  
Point of Ayr Refinery  
Talacre  
Holywell  
Flintshire  
CH8 9RD

Dear Ms Jones,

**Environmental Permitting (England and Wales) (Amendment) Regulations 2013 (EPR)  
Permit Review**

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 (EPR) were made on 20th February and came into force on 27th February 2013. These Regulations transpose the requirements of the Industrial Emissions Directive (IED). All existing installations will be the subject of IED from 7th January 2014. 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 9<sup>th</sup> October 2014 in the Official Journal of the European Union, a copy of which is provided at Appendix 1 to this schedule. The attached notice sets out the information we require from you in order to be able to carry out that review.

The permit review will cover operational activities at your installation that are relevant to the applicable BAT conclusions. In addition, this review will allow us to consolidate your original permit to reflect changes made through earlier variations and bring your permit into line with our modern regulatory template. This review will implement all updated and new European Legislation.

Please find enclosed an information notice issued under Regulation 60(1) of The Environmental Permitting (England and Wales) Regulations 2010 (as amended) that relates to the above permit. The notice specifies the information you need to send and when it must be submitted.

You need to demonstrate that you meet or plan to meet the revised BAT standards, including the relevant BAT conclusions and any sub-elements that are contained within each conclusion. This does not preclude you justifying alternative techniques that are comparable to the specified BAT conclusions as allowed by Article 14(5) of IED. However where BAT Associated Emission Levels (AELs) are specified, you will need to demonstrate that you can meet these AELs or provide sufficient technical and commercial information that allows the determination of a derogation under IED (Article 15(4)). You will need to justify this using a clear methodology and identify whether this is due to either:

- your geographical location or
- local environment conditions or
- technical characteristics of your installation.

This should include information including the capital and operating costs and the mass releases and change in maximum ground level concentration, both for your proposed option and an option that will deliver the BAT AEL.

In addition, where you use, produce or release hazardous substances, as defined in Article 3(18) of the Industrial Emissions Directive, you will need to complete a risk assessment considering the possibility of soil and groundwater contamination at the installation with such substances. Where any risk of such contamination is established, you will need to take the action specified in the notice.

The evidence you provide in response to this notice will form the basis for Natural Resources Wales/Cyfoeth Naturiol Cymru's decision whether to grant or refuse a BAT-AEL derogation and will be made available via the Public Register.

While we have set the latest date for the return of the information specified in the notice as 30<sup>th</sup> June 2016, you may provide the information sooner. If you have any concerns about providing the information in time then please contact me to discuss.

Natural Resources Wales will invoice you for the permit review work on receipt of your Regulation 60(1) notice response. This review will be charged as a regulator initiated 'normal' variation. Our charging scheme explains that your Operational Risk Appraisal (OPRA) score will be used to calculate the charge. Operators that also include a derogation application as part their response will incur the charge for a 'substantial' variation.

Natural Resources Wales is required to recover the cost of assessing and issuing varied permits as a result of permit review work. See 'Environmental Permitting Charging Scheme & Guidance' at <http://naturalresourceswales.gov.uk/how-we-regulate-you/charges/?lang=en>. Table 63 of this guidance explains that payment for regulator initiated variations is due when an invoice is served.

If you have any questions about this letter, please contact your local Natural Resources Wales compliance officer.

If you have any questions about this notice, please phone me on 03000 653237 or email me at [gary.l.evans@naturalresourceswales.gov.uk](mailto:gary.l.evans@naturalresourceswales.gov.uk).

Yours sincerely,



Gary Evans  
**Technical Specialist**