

Compliance Assessment Report CAR_NRW0040611

Permit being assessed: BK1341IN.

For: Milford Haven Tank Storage , held by Valero Pembrokeshire Oil Terminal Limited
At: Main Road, Waterston, MILFORD HAVEN, MILFORD HAVEN, Pembrokeshire, SA73 1DR.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2207338).

On 06/10/2022 between 14:00 and 16:00.

Parts of permit assessed: Please see details

NRW Lead Officer: Michael Launder, accompanied by Gary Evans, Lee Mills.

Report sent to: Huw Morgan, HES Supervisor on 01/12/2022.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E3 - Emissions - Surface water	C3 Minor	3.1.1
C2 - General Management - Management system and operating procedures	C2 Significant	1.1.1

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
2	35

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
E3	Operator to submit procedure for maintenance of API Interceptor while East Catch Basin bypass is in operation.	16/12/2022
C2	Operator to submit procedure for maintenance of API Interceptor while East Catch Basin bypass is in operation.	16/12/2022

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

Introduction

This CAR form has been issued in response to a report from the Maritime and Coastguard Agency of a hydrocarbon sheen in the Milford Haven Waterway, close to the permitted discharge point of the Valero Pembrokeshire Oil Terminal. The root cause and corrective measures are outlined below.

Oil Discharge

A report of a hydrocarbon sheen on the Milford Haven Waterway was received by NRW ICC at 14:18 on Wednesday 5th October. The Maritime and Coastguard Agency reported that their vessel had encountered a 0.5km long hydrocarbon sheen on the surface of the water, suspected to be emerging from the Valero Pembroke Oil Terminal sub-tidal outfall diffuser. The operator was immediately informed and began investigating the potential source.

On the afternoon of 6th October, South West Industry Regulation Team officers attended the site, where the operator confirmed that the site API Interceptor had become inundated with surface water due to heavy rain, sending untreated water with free phase oil to the East Catch Basin bypass channel (in operation as a remedial measure outlined in CAR_NRW0040246). This bypass channel does not include an underflow weir as in the East Catch Basin, which allowed the residual oil from the interceptor to be released through the permitted discharge point and outfall diffuser, creating the sheen in the Haven.

Action: Operator to submit programme for operation, maintenance and inspection of API Interceptor while East Catch Basin bypass is in effect.

The duration of the discharge event was estimated by the operator to be c. 1 hr on 5th October, based on composite and grab samples taken from the bypass channel, permitted discharge point sampler and from the surface water in the Haven. The operator has estimated that 8.4kg or 10 litres of oil was released.

Subsequent observations of the area around the outfall by MCGA and Port Authority vessels on 5th (16:14) and 6th October (11:57) confirmed no residual signs of pollution.

Compliance

Permit condition 3.1.1 states that there shall be no point source emissions to water except those listed in Schedule 3 of the permit. This breach has been assigned a non-compliance category of C3 under sub-criterion E3 Emissions - Surface Water.

Further to the unpermitted discharge of free phase oil, the root cause of this incident has also been considered. The absence of an underflow weir in the bypass channel, as is present in the East Catch Basin, allowed residual oil from the interceptor to reach the permitted discharge point and outfall diffuser. Although the volume of oil released was limited by the duration, the operation of the bypass channel without final oil interception capacity created the potential for a substantial release of oil. This had the potential for

significant impacts on the marine and terrestrial environment around the release point. NRW considers that permit condition 1.1.1 has been breached in respect of operations. This breach has been assigned as a non-compliance category C2 under sub-criterion C2 Management System and Operating Procedures.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):

A: Permitted activities

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.