

Compliance Assessment Report CAR_NRW0040835

Permit being assessed: DP3934EW.

For: Point Of Ayr Gas Terminal , held by Eni UK Ltd

At: Point of Ayr Terminal Station Road , Talacre, HOLYWELL, Clwyd, CH8 9RD.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 31/12/2022.

Parts of permit assessed: See report

NRW Lead Officer: Lara Cubley.

Report sent to: Andrew Elkin, Environmental Co-ordinator on 03/02/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E1 - Emissions - Air	C3 Minor	3.1.2
E1 - Emissions - Air	C3 Minor	3.1.2
E1 - Emissions - Air	C3 Minor	3.1.2
E1 - Emissions - Air	C3 Minor	3.1.2
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	

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

Total number of non-compliances recorded	Total non-compliance score
4	16

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
E1	See report - Linked to start-up/shut-down. No further action.	28/02/2023
E1	See report - Linked to start-up/shutdown. No further action.	28/02/2023
E1	See report - linked to start-up/shut- down. No further action.	28/02/2023
E1	See report - Linked to start-up/shut-down. No further action.	28/02/2023
G4	See Action 1	28/02/2023

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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

This Compliance Assessment Report follows a review of monitoring data, annual reporting, and Schedule 5 notifications for 2022. These reports were submitted in accordance with Condition 4.3.1.

Q1 January – March 2022

A Part A notification was received on 31/01/2022 and the Part B on 07/02/2022. On the 29th January 2022, due to a planned plant shutdown the permitted SO₂ emission limit value (ELV) of 190mg/m³ was breached over a couple of days, with a maximum hourly average concentration of 637mg/m³. This also occurred during the associated start up on the 4th February 2022, when three hourly averages breached the SO₂ ELV. The SO₂ concentrations were back in compliance on the 5th February 2022.

These SO₂ breaches have been scored a category 3 (minor) non-compliance against permit condition 3.1.2 (E1 - Emissions to air).

Q2 April – June 2022

A Part A notification was received on 28/06/2022 and the Part B on 22/07/2022. On the 27th June 2022, due to a power interruption there was a partial unplanned plant shutdown. The permitted SO₂ ELV of 190mg/m³ was breached for a period of 7 days with concentrations varying from around 200 - 500mg/m³. A fault was identified which required addressing during a shutdown. This shutdown to overhaul a failed control valve on the Tail Gas Unit was initiated on 1st July. Start up was commenced on 16th July 2022 with further associated breaches of the SO₂ ELV for a few days before SO₂ concentrations coming back into compliance.

These SO₂ breaches have been scored a category 3 (minor) non-compliance against permit condition 3.1.2 (E1 - Emissions to air).

Q3 July – September 2022

A Part A notification was submitted on 10/08/2022 and the Part B on 06/09/2022. On the 10th August a planned shutdown was initiated in order to conduct pigging throughout the offshore pipeline system. This involved a breach of the permitted SO₂ ELV for eight consecutive hours, with a maximum hourly average concentration of 541mg/m³. Emissions also breached on start up commencing 31st August 2022. Three half hourly averages breached the SO₂ ELV with a maximum concentration of 574mg/m³ recorded against an ELV of 190mg/m³. The plant was back into compliance on 1st September 2022.

The SO₂ breaches for the quarter have been consolidated and scored a category 3 (minor) against permit condition 3.1.2 (E1 - Emissions to air).

Q4 October – December 2022

A Part A notification was submitted on 21/09/2022 and the Part B on 17/10/2022. On the 21th September 2022 a planned shutdown was initiated in order to conduct pigging throughout the offshore pipeline system. This involved a breach of the permitted SO₂ ELV for a couple of days, with a maximum hourly average concentration of 783mg/m³. Emissions also breached on start up commencing 12th October 2022. Five half hourly averages breached the SO₂ ELV with a maximum concentration of 456mg/m³ recorded against an ELV of 190mg/m³. The plant was back into compliance on 15th October 2022.

These SO₂ breaches have been scored a category 3 (minor) non-compliance against permit condition 3.1.2 (E1 - Emissions to air).

Annual Reporting

The annual report was received 27/01/22. This contained monitoring results and performance parameters as required by the Permit. Monitoring conducted for this period shows compliance with Permit limits apart from excursions for SO₂ at emission point A1 notified by the operator and detailed above.

It is noted that periodic monitoring provided by for NO₂ and CO is reported as '(average of hourly averages) over minimum 4 hour period'. This accords with reporting form air 1. However, Table S3.1 of the permit requires a reference period of 'hourly average'. This inconsistency can be rectified at the next permit variation.

ACTION 1: Please provide analytical report for analysis of NO₂ from emission point A3 on 19/10/22.

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.