

Compliance Assessment Report CAR_NRW0042153

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: Report/Data Review,

Reason: Routine.

On: 18/07/2023.

Parts of permit assessed: Please see details.

NRW Lead Officer: Michael Launder.

Report sent to: Huw Morgan, HES Supervisor, on 21/07/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR4B - Information - Reporting	Assessed (A)	
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2 The limits in Schedule 3 shall not be exceeded (zinc).
IR1A - Management - General management	C3 Minor	1.1.1 General Management

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

Total non-compliances recorded	Total non-compliance score
2	8

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
IR3A	Operator to submit a procedure for assessing environmental risk and identifying suitable control measures prior to undertaking similar operations. This should include identifying areas where similar legacy sediments may reside.	31/08/2023

Criteria	Action needed	Complete by
IR1A	Operator to submit a procedure for assessing environmental risk and identifying suitable control measures prior to undertaking similar operations. This should include identifying areas where similar legacy sediments may reside.	31/08/2023

Compliance 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 Compliance Assessment Report is a review of the operator monitoring submissions for Q1 2023.

Point Source Discharges to Water (Water 1 Form)

The operator has submitted Q1 results in a monthly format for all parameters required for surface water discharges at Discharge Point C (East Catch Basin) and Discharge Point D (West Catch Basin).

All reported weekly results for Discharge Point C (East Catch Basin) were within the limits specified in the permit.

The reported weekly results for Discharge Point D (West Catch Basin) were within the limits specified in the permit, with the exception of the eight weekly zinc samples taken between 3 January 2023 and 21 February 2023.

Zinc Exceedances

The permit limit of 40 ug/l was exceeded at the West Catch Basin Discharge point in the eight weekly samples taken between 3 January 2023 and 21 February 2023.

Date	Zinc ug/l
03/01/2023	117
10/01/2023	133
17/01/2023	92
24/01/2023	74
31/01/2023	122
07/02/2023	45
14/02/2023	68
21/02/2023	55

As agreed with the operator, the zinc results for January were withheld from the reporting in the January monthly summary while verification testing was carried out with a second lab.

On submission of the February monthly summary on 30 March 2023, the operator included a Part A notification for the breaches of the zinc limits, and a proposed action of further verification testing to determine the source of what the operator initially expected to be analytical error.

On 25 May 2023, the operator submitted a Part B notification including a root cause investigation into the source of the exceedances of the zinc limits:

- In order to improve the capacity of storm drainage around the West Catch Basin and improve function of MCERTS flow monitoring equipment, the operator dredged silt from a drainage channel on 14 December 2022 and a French Drain on 16 February 2023. The total volume of silt removed was approximately 5 tonnes.
- The operator reports that the drains had not been dredged for >25 years and the sediment is a legacy of the former refining operations carried out at the site.
- High zinc crude oils have been stored in the drainage catchment of the West Catch Basin in the past, which may be the source of zinc in historical sediments.

Since 28 February 2023, the zinc concentration in the West Catch Basin samples has been below the limit specified in the permit.

The operator has reported that there is no further requirement or intention to dredge this area but if required then suitable control measures would be implemented to prevent further exceedances.

Action: Operator to submit a procedure for assessing environmental risk and identifying suitable control measures prior to undertaking similar operations. This should include identifying areas where similar legacy sediments may reside.

Compliance

Permit condition 3.1.2 Emissions to water, air or land states that the limits in the permit schedules shall not be exceeded. The reported exceedances of the zinc limits for Discharge Point D are breaches of this condition.

The eight zinc breaches have been consolidated for the quarter (Q1). This has been assigned a non-compliance category of C3 under compliance criteria IR3A Emissions to water, air or land.

The root cause of this issue has also been considered. Prior to disturbance of the sediment, an environmental risk assessment should have been undertaken to understand the likelihood of pollution and to inform the implementation of suitable control measures. NRW considers that permit condition 1.1.1 Management has been breached in respect of operations. This breach has been assigned a non-compliance category of C3 under compliance criteria IR1A General Management.

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.

If your assessment result in Section 1 is suspended, what does this mean?

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 compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.