

Compliance Assessment Report CAR_NRW0043280

Permit being assessed: YP3930EX.

For: Pembroke Refinery, **held by:** Valero Energy Ltd

At: Valero Energy Ltd , Pembroke Refinery, Pembroke, Pembrokeshire, SA71 5SJ.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 31/12/2023.

Parts of permit assessed: Please see details.

NRW Lead Officer: Michael Launder.

Report sent to: Andrew Waterman, Manager Environmental Engineering, on 09/02/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor (Suspended)	3.1.2 Emissions
IR3E - Emissions and monitoring - Monitoring	Assessed (A)	
IR4B - Information - Reporting	Assessed (A)	
IR4C - Information - Notification	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
1	0

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 apply to Natural Resources Wales to vary the site RSR permit to include the required trace for the proposed FCCU catalyst circuit study.	Already completed

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.

At this time, we do not intend to take any further action.

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

Introduction

This CAR form has been issued in response to the submission of the Q4 and Annual 2023 monitoring returns by the operator, and the submission of a Schedule 5 notification of a breach of an emission limit value.

Quarterly Returns

All the Q4 2023 quarterly returns specified by permit condition 4.2.3 Reporting were submitted to NRW within the reporting period.

The reported emissions were within emission limits specified in the permit for the Q4 monitoring period, with the exception of the Schedule 5 report of an emission limit breach during October 2023, as outlined below.

Annual Returns

The 2023 annual returns specified by condition 4.2.2 (b) & (c) Reporting were submitted to NRW within the reporting period.

Schedule 5 Notifications

A Schedule 5 notification submitted to NRW on 20 November 2023 gives the measured monthly average dust result for October at A5A (FCCU Catalyst Regenerator) as 55.6 mg/Nm³ against the permit limit of 50 mg/Nm³.

In the follow up Part B notification, dated 14 December 2023, the operator states that following an unplanned shutdown and subsequent restart of the FCCU, dust emissions have remained within the ELV specified by the permit.

This Part B included an improvement plan, adding further actions to those proposed in a Part B for the breach during September 2023.

Given the emissions have returned to compliance, the operator has proposed that in the event of further exceedances of the dust limit from the FCCU, the following actions will be considered, depending on the suspected root cause:

- A tracer study to provide an understanding of any mechanical damage in the FCCU catalyst circuit. This will require a variation to the site RSR permit to use an appropriate strength tracer;
- Iso-kinetic sampling of the inlet and outlet of the FCCU third stage separator to assess performance.

Compliance: The above result is in exceedance of the emission limit set in the permit for A5A and in breach of condition 3.1.2. A non-compliance score of C3 against the criteria IR3A Emissions to water, air or land has been allocated to this breach for the October to December 2023 reporting period.

Action: Operator to apply to Natural Resources Wales to vary the site RSR permit to include the required tracer for the proposed FCCU catalyst circuit study. COMPLETED. A variation application was submitted by the operator on 18 October 2023.

This is an exceedance of the permitted emission limits and represents non-compliance with the environmental permit. However, given the steps taken to date and future actions proposed by the operator to address the root cause of the exceedance, the non-compliance score will be suspended for this quarterly reporting period. The score is suspended with the following caveats: the suspension is time limited to two reporting periods (i.e. end of Q1 2024), if the scale or impact of the exceedance changes or if the RSR permit variation is unsuccessful or withdrawn, then the scores may be applied retrospectively.

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.