

Compliance Assessment Report CAR_NRW0037540

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 carried out: Report/Data Review, Reason: Other.

On 31/12/2020.

Parts of permit assessed: see below

NRW Lead Officer: Gary Evans.

Report sent to: Neil White, Manager Environmental Engineer on 11/02/2021.

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
A1 - Specified by permit	C3 Minor	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
3	12

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	Improve operations	Already completed
E1	Improve operations	Already completed
A1	Improve operations	Already completed

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

Introduction

This Compliance Assessment Report (CAR) is a written record of an incident that occurred at the Pembroke Refinery involving a rich amine leak on the LPGRU on the 8th of June 2020. This resulted in an increase in H₂S in the fuel gas and subsequently impacted on the SO₂ concentration limits on LCP371 and LCP373 emission points. The leak was repaired on the 9th June, however both emission points (LCPs) breached the SO₂ daily limit for the 8th and 9th of June.

Please note that during this incident and the drafting of this report there was a global pandemic (COVID-19) which resulted in restrictions and stringent measures in place around the world. This CAR form aims to conclude the compliance assessment of the potential environmental impact from this leak as well as the root cause to prevent a reoccurrence.

Incident in Brief: A rich amine leak occurred on a nipple above an open vent valve on the 1.5" Rich Amine line 10-MAR-509 on the LPGRU at 16.10 on the 8th June 2020. Until the nipple was repaired at 03:00 on the 9th June 2020, there was some loss of amine scrubbing of fuel gas, which resulted in an increase of H₂S in the fuel gas. This resulted in a breach of the daily SO₂ concentration limit on LCP371 & LCP373 on Monday 8th and Tuesday 9th June.

Valero Energy provided a Part A Notification in line with the permitted requirement on the 9th June 2020 at 11:27hrs.

Notification requirements for the breach of a permit condition

To be notified immediately

Emission point reference/ source	LCP371 [A1/A2] & LCP373 [A3/A4]
Parameter(s)	SO ₂
Limit	Daily Concentration Limit of 38.5 mg/Nm ³ SO ₂
Measured value and uncertainty	8th June: 224.6 mg/Nm ³ 20% & 241.7 mg/Nm ³ 20% 9th June [predicted]: 36.4 mg/Nm ³ 20% & 43.3 mg/Nm ³ 20%

Date and time of monitoring	9th June 00:01 via Continuous Emission Monitoring System
Measures taken, or intended to be taken, to stop the emission	A small leak on a rich amine vent line on the HP fuel gas scrubber was detected. To effect the repair, the LP & HP fuel gas scrubbers were taken off line. The LP scrubber returned to service at 21:00 on 8th June and the HP scrubber returned to service at 03:00 on 9th June. The SO ₂ quickly returned to normal.
<p><u>Classification of the permit breach according to the NRW Compliance Classification Scheme (CCS) and EPR compliance.</u></p>	
<p>Section 3 (3.1.2) of the environmental permit states that the limits given in Schedule 3 shall not be exceeded.</p>	
<p>As a result of this incident there was a permit breach from two release points which is classified as two category 3 (C3) breaches of the environmental permit.</p>	
<p>The root cause of this incident has also been scored on this CAR form. NRW considers that permit condition 1.1.1 was breached in respect of management which results in a C3 as this had the potential for a minor air quality issue/LCP limit breach. The non-compliance has been scored as the leak was from a valve not being closed following the cleaning of the system. This root cause was identified by the operator and actions implemented to prevent a re-occurrence.</p>	
<p><u>Conclusion</u></p>	
<p>It is concluded that as a result of this incident the operator has received an NRW warning which is recorded on this CAR form. The resultant enforcement action of this warning reflects on the findings of the operator investigation such as the actual environmental impact, and importantly other factors such as no-intent, operator response / co-operation, and the corrective actions taken to prevent a reoccurrence (root cause investigation).</p>	

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.