

Compliance Assessment Report

Report ID:
CAR_NRW0026802

This form will report compliance with your permit as determined by an NRW officer

Site	Barry Silicon Installation	Permit Ref	KP3734SH		
Operator/Permit holder	Vopak Terminal Windmill Limited				
Regime	Installations				
Date of assessment	20/12/2016	Time in	10:00	Out	12:00
Assessment type	Report/Data Review				
Parts of the permit assessed	Responses to Actions from Jul 2016 CAR1				
Lead officer's name	Kemp, Andi				
Accompanied by					
Recipient's name/position	Dave Pratt/ Terminal Manager	Date issued	22/12/2016		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
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KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	0	Total compliance score (see section 5 for scoring scheme)	0
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Purpose Of Compliance Assessment

This was a follow up site meeting to discuss actions and responses to recommendations made from the inspection on 20th May 2016, in CAR1 issued July 2016.

Action 1 28th July 2016

DP emailed a response on 11th Oct 2016. The original action required an explanation for the increase in mass of D4 cyclics lost as fugitive emissions. The response from the operator supplies an adjusted figure as the annual figure declared was originally overestimated by 464kgs. With this correction the D4 mass lost is still increasing year on year. The site has explained that the figure lost is related to tank movements, which is influenced by two factors: i) the number of movements from Dow Corning, ii) a revised process for reducing the heating load on the tanks, by gravitating product from the main tanks to smaller feed tanks. This keeps the product moving, but less heat is required. So the increased tank volume displaced leads to more mass lost, but less energy used (and CO2 produced) from reduced boiler heating demand.

The permit requires annual reporting of the mass estimated to be lost as fugitive emissions for the D4 and D5 cyclics and methanol. To estimate emissions the operator uses emission factors based on tank movements, volumes displaced and LIDAR monitoring for methanol. This aspect of estimating emissions and looking at the tank vent designs, inert blanketing and LIDAR monitoring will be looked at in the first half of 2017 - the inspection will coincide with the LIDAR monitoring contractor visit. The Regulatory Officer will require the operator to run through the estimation calculations, tank venting and tank operation.

Recommendation 1 28th July 2016

The operator is reviewing their accident management, especially of sub COMAH events - this is in accordance with the permit requirements. The operator ran through their draft risk assessment, risk ranking and control measures. The Regulatory Officer advised the operator to make mention of Source - Pathway - Receptor pollution linkages and to ensure that the risk ranking matrix is accurate. This document and the control measures will be inspected again after these refinements. The operator has made good progress with this aspect.

Recommendation 2 28th July 2016

This concerned lagoon sampling, for which the operator previously submitted a process flow chart. The Regulatory Officer has requested the operator review their sampling procedure to include these criteria: sampling process and photographs of location, the bottles used, the labelling system and times from sampling to delivery to Dow Corning, sample preservation and temperature of storage (if necessary) and analytical method and range and limit of detection. For this review the operator will need to seek information off Dow (lab fridge, analysis method, range and LOD) and refer to guidance M18 to ensure their sampling procedure is detailed enough and the sampling and sample handling process is leading to representative samples and results the regulator can have confidence in. The revised procedure will be assessed in due course.

END

EPR Compliance Assessment Report

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Operator/Permit holder	Vopak Terminal Windmill Limited	Date	20/12/2016

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition.

Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.