

## Compliance Assessment Report CAR\_NRW0038967

**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 23/11/2021.

Parts of permit assessed: Schedule 5 Notifications

**NRW Lead Officer:** Rebecca Harwood.

**Report sent to:** Catherine Jones , Senior Environmental Advisor on 09/12/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	
B5 - Infrastructure - Plant and equipment	C3 Minor	Condition 3.5.1
E1 - Emissions - Air	C3 Minor	Condition 3.1.2
E1 - Emissions - Air	C3 Minor	Condition 3.1.2
B5 - Infrastructure - Plant and equipment	C3 Minor	Condition 3.5.1

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
B5	Investigate cause of the lamp failure, review maintenance schedules and take preventative action to avoid a repeat occurrence.	31/12/2021
E1	Review the offsite investigations for component parts and take preventative action relating to failed components to avoid repeat occurrence	31/12/2021
E1	Emissions linked to start up / shut down - no further action needed.	Already completed
B5	Investigate cause of the lamp failure, review maintenance schedules and take preventative action to avoid a repeat occurrence	31/12/2021

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 Schedule 5 notifications for Q1-Q3 2021. These reports were submitted in accordance with Condition 4.3.1.

#### **Q1 January – March 2021**

A Part A notification was received on 21/3/2021 and the Part B on 05/04/2021. On 21<sup>st</sup> March 2021 the TOX CEMS failed due to a lamp failure, the components were replaced and the CEMS was offline for approximately 5 hours.

SO<sub>2</sub> and NO<sub>x</sub> emission values prior to and following the fault were within the Emission Limit Values.

**The failure of the CEMS has been scored a CCS3 failure to monitor in accordance with permit condition 3.5.1.**

**Action:** Investigate cause of the lamp failure, review maintenance schedules and take preventative action to avoid a repeat occurrence.

#### **Q2 April – June 2021**

A Part A notification was received on 05/04/2021 and the Part B on 14/04/2021. SO<sub>2</sub> emissions breached their ELV for 13 hours on 3<sup>rd</sup> March 2021 (00:30 – 13:30) during an unplanned production outage. A maximum concentration of 456mg/m<sup>3</sup> was recorded against an ELV of 190mg/m<sup>3</sup>. The Operator states that the outage was due to a drop in performance of the Tail Gas Unit following a fuel gas reduction during the unplanned production outage.

A Part A notification was submitted on 31/05/2021 and the Part B on 07/06/2021. SO<sub>2</sub> emissions breached their ELV on 29<sup>th</sup> May into 30<sup>th</sup> May 2021 (12:59-05:32). An unplanned plant trip shut the thermal oxidiser unit and upstream plant and the restart caused the emission breaches. A maximum concentration of 1103mg/m<sup>3</sup> was recorded against an ELV of 190mg/m<sup>3</sup>. The Operator states that the outage was linked to the primary ESD initiator identified as spurious trip signal from a pressure switch, the pressure

switch has been sent to a specialist for failure analysis.

A Part A notification was submitted on 08/06/2021 and the Part B on 11/06/2021. SO<sub>2</sub> emissions breached their ELV on 7<sup>th</sup> June into 8<sup>th</sup> June (15:03-05:17). An unplanned plant trip shut the thermal oxidiser unit and upstream plant and the restart caused the emissions. A maximum concentration of 982mg/m<sup>3</sup> was recorded against an ELV of 190mg/m<sup>3</sup>. The Operator states that cause of the outage was identified as a PLC slave card failure. This has been sent for an offsite investigation into the failed component.

**The SO<sub>2</sub> breaches for the quarter have been consolidated and scored a CCS3 against permit condition 3.1.2.**

**Action:** Review the offsite investigations for component parts and take preventative action relating to failed components to avoid repeat occurrence.

### **Q3 July – September 2021**

A Part A notification was submitted on 13/09/2021 and the Part B on 22/09/2021. SO<sub>2</sub> emissions breached on 10<sup>th</sup> September into 11<sup>th</sup> September 2021 (13:20-11:25) during a planned plant shutdown. A maximum concentration of 1043mg/m<sup>3</sup> was recorded against an ELV of 190mg/m<sup>3</sup>. Emissions also breached on start up commencing 17:00 15<sup>th</sup> September 2021. A maximum concentration of 1173mg/m<sup>3</sup> was recorded against an ELV of 190mg/m<sup>3</sup>.

**The SO<sub>2</sub> breaches for the quarter have been consolidated and scored a CCS3 against permit condition 3.1.2.**

Following the restart and during the stabilisation period there was a failure of the SO<sub>2</sub> detecting lamp in the CEMS on 20<sup>th</sup> September 2021 resulting in the loss of CEMS data for a period of 10 hours until the replacement was commissioned.

**The failure of the CEMS has been scored a CCS3 failure to monitor in accordance with permit condition 3.5.1.**

**Action:** Investigate cause of the lamp failure, review maintenance schedules and take preventative action to avoid a repeat occurrence.

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](mailto: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](mailto: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.