

# Next steps to ensure Mossmorran compliance announced by SEPA

27 February 2019

The Scottish Environment Protection Agency (SEPA) has completed its investigation into a number of unplanned flaring events at the Mossmorran Complex during 2017 and 2018.

- SEPA has completed its investigation into unplanned flaring events at Mossmorran.
- Final Warning Letters served on both operators in April 2018.
- Permit variations served on both operators to ensure they take all appropriate preventative measures against noise and vibration emissions through the application of 'Best Available Techniques (BAT)' and ensure that no significant pollution is caused.
- Both operators are required to complete evaluation of the 'Best Available Techniques (BAT)' to prevent and, where that is not practicable, reduce emissions of noise, vibration and smoke associated with flaring.
- An enhanced programme of air quality monitoring is being undertaken by SEPA, to inform relevant public agencies.
- The environmental performance of ExxonMobil Chemical Ltd and Shell UK Ltd will be kept under review and SEPA will not hesitate to take further action in line with its Enforcement Policy if appropriate.

In August 2018, SEPA announced an investigation into ExxonMobil Chemical Ltd and Shell UK Limited. SEPA also announced a review of, then served, operating permit variations on both operators to strengthen noise and vibration controls whilst the investigation was underway.

The variations included the requirement to complete an evaluation of the Best Available Techniques (BAT) to prevent and, where that is not practicable, reduce emissions of noise, vibration and smoke associated with flaring. The outcome of the BAT assessment is an essential part of understanding what can be done to stop unacceptable and preventable impacts of flaring.

SEPA is currently undertaking air quality monitoring in the vicinity of the Mossmorran complex and a forward programme for environmental monitoring is being discussed with the Operators and partner organisations.

SEPA CEO, Terry A'Hearn, attended community meetings and was clear both that SEPA was listening to local communities and that compliance was non-negotiable.

He explained:

"Whilst flaring is an important safety mechanism, and is permitted through permit conditions, the impact of any flaring events must be mitigated so as

not to have an unacceptable impact on local communities.

“SEPA remains clear that the flaring in June 2017 was preventable and unacceptable and issued Final Warning Letters to both companies in that regard. Communities experienced further unplanned flaring in October 2017, March 2018 and again in May 2018.

“With a firm focus on ensuring stringent compliance and mitigating the impacts of flaring, SEPA has concluded that robust enforcement action taken is currently appropriate and effective. The environmental performance of ExxonMobil Chemical Ltd and Shell UK Ltd will be kept under review and SEPA reserves the right to take further action in line with its Enforcement Policy.”

### **Best Available Techniques assessment crucial to ongoing compliance**

The outcome of the BAT assessment is an essential part of understanding what can be done to stop unacceptable and preventable impacts of flaring.

SEPA has held review meetings at key stages with both companies to ensure progress. The interim reports on progress towards the evaluation of Best Available Techniques for flaring, which were required by 30 November 2018, have been submitted and are available to view on SEPA’s Public Register.

They indicate that the operators are progressing towards completion by the required date of the 30 April 2019 and that the scope of the assessment covers the appropriate breadth and depth. Progress to date has highlighted potential ground flare technologies and site based techniques that may reduce and/or minimise noise, vibration and/or smoke from flaring. The companies have advised that further assessment is required to determine what combination results in the best overall benefit.

In addition to publishing the interim reports SEPA is committed to publishing the operators’ final assessments.

Terry A’Hearn stressed that both operators must continue their commitment to implementing Best Available Techniques.

“We have used our enforcement policy to guide our decisions in taking what we consider to be the most appropriate and effective actions at this time in order to secure compliance. We will continue to work with Exxonmobil Chemical Limited and Shell UK Limited to provide advice and guidance if required, and will ensure any proposals are acceptable and appropriate. If this is not the case we will take any necessary action.”

### **Enhanced programme of air quality monitoring being undertaken by SEPA**

SEPA is currently undertaking air quality monitoring in the vicinity of the Mossmorran complex. Following a consultation with community representatives, through the Mossmorran and Braefoot Bay Community Safety Liaison Committee, a trailer has been located at the farm to the North East of the complex and diffusion tubes will be placed in community locations.

Information is being shared with the Independent Air Quality Review Group (including community representatives), Fife Council, NHS Fife and Health Protection Scotland.

A forward programme for environmental monitoring is being discussed with the Operators and partner organisations.

### **Ongoing communication with communities**

SEPA has worked within the limitations of communicating during a live regulatory investigation to keep local communities informed through the Mossmorran Communities Working Group; the Mossmorran and Braefoot Bay Community Safety Liaison Committee, the Mossmorran and Braefoot Bay Independent Air Quality Review Group and SEPA's dedicated [Mossmorran information hub](#).

SEPA will continue to work to keep good lines of communications open with appropriate groups and elected representatives to explain what is being done, hear concerns and provide reassurances. In addition SEPA has committed to keeping the public informed through the dedicated Mossmorran hub, and anyone with concerns or queries not related to an ongoing pollution incident can email [communities@sepa.org.uk](mailto:communities@sepa.org.uk) during office hours.

Information about a potential or ongoing pollution incident (including flaring) should go to our 24 hour pollution hotline on 0800 80 70 60 or via [sepa.org.uk/report](http://sepa.org.uk/report). The earlier we know about a potential issue, and the more information we have, the better we can investigate.

**ENDS**

### **Notes to editors**

- Links to the Final Warning Letters, permit variations and the interim reports on progress towards the evaluation of Best Available Techniques for flaring are all available on our Mossmorran Hub at [www.sepa.org.uk/mossmorran](http://www.sepa.org.uk/mossmorran)