

SCOTTISH ENVIRONMENT PROTECTION AGENCY

POLLUTION PREVENTION AND CONTROL ACT 1999

**POLLUTION PREVENTION AND CONTROL (SCOTLAND) REGULATIONS 2000
("THE REGULATIONS")**

PERMIT TO OPERATE A 'PART B' INSTALLATION

Permit Number: PPC/B/1063836

Operator: ExxonMobil Chemical Limited
ExxonMobil House
Ermyrn Way
Leatherhead
Surrey
KT22 8UX

The Scottish Environment Protection Agency ("SEPA"), in accordance with Regulation 7 of the Regulations, hereby grants a Permit to ExxonMobil UK Limited company registration number 867162, having its registered office at ExxonMobil House, Ermyrn Way, Leatherhead, Surrey KT22 8UX ("the Operator") to operate an installation, more particularly described in Schedule 1 of this Permit, on a site at Braefoot Bay Marine Terminal, Aberdour, Fife KY3 0XR more particularly described in said Schedule 1, subject to the requirements of the Regulations and to the conditions contained in the Schedules to this Permit.

Signed: 
Authorised to sign on behalf of the
Scottish Environment Protection Agency

Date: 21 October 2009

Right of Appeal

Under Regulation 22 of the Regulations you are entitled to appeal to the Scottish Ministers against any condition or conditions of this Permit within six months of the date of this Permit, except where SEPA has granted this Permit in implementation of a direction to SEPA of the Scottish Ministers. The bringing of an appeal will not have the effect of suspending the operation of the said condition or conditions. The procedures for the making of an appeal are set out in Schedule 8 of the Regulations.



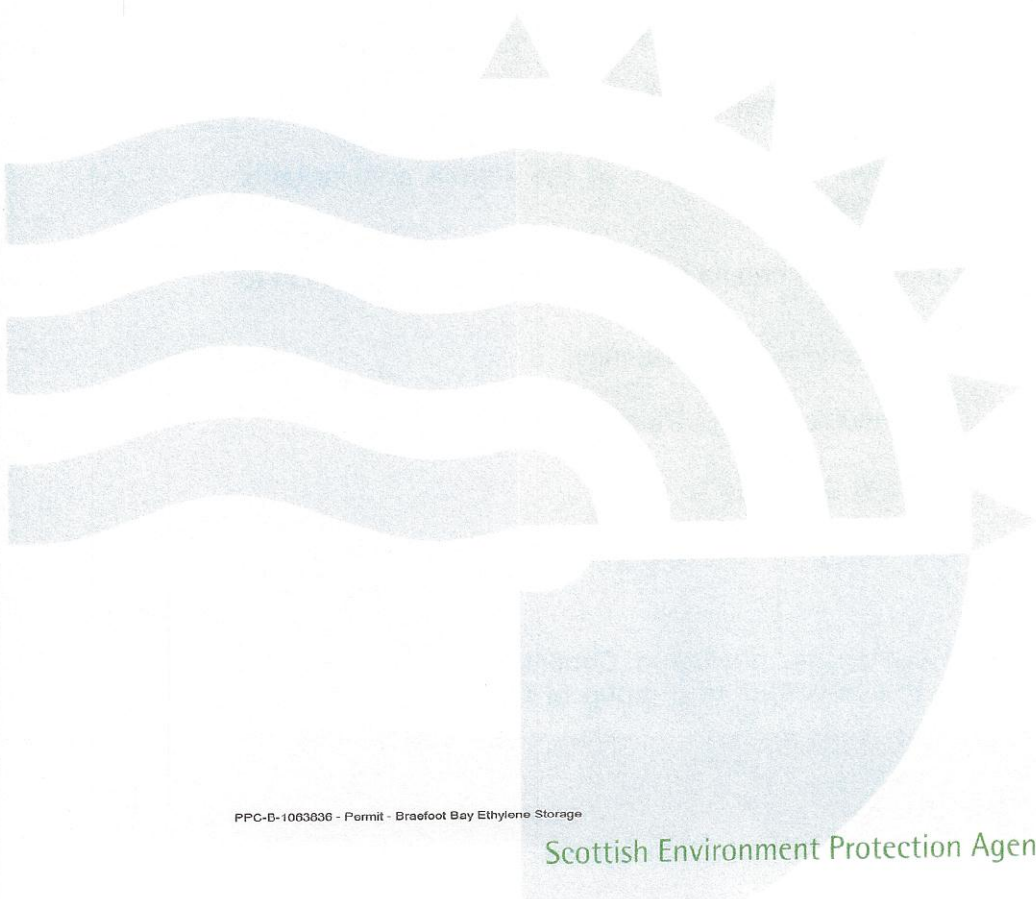
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INTERPRETATION OF TERMS

For the purposes of this Permit, and unless the context requires otherwise, the following definitions shall apply:

"Authorised Person" means a person who is authorised in writing under Section 108 of the Environment Act 1995 to carry out duties on behalf of SEPA;

"emission" has the same meaning as in the Regulations in relation to Part B installations;

"Fugitive Emissions" shall mean any emissions not in waste gases of volatile organic compounds into air, soil and water as well as, unless otherwise stated in Annex IIA of the Solvents Emissions Directive, solvents contained in any product. They include uncaptured emissions released to the outside environment via windows, doors, vents and similar openings;

"incident" means any of the following situations:

- Where an accident occurs which has caused or may have the potential to cause pollution;
- Where any malfunction, breakdown or failure of plant or techniques is detected which has caused or may have the potential to cause pollution;
- Where any substance or heat specified in any Condition of this Permit is detected in an emission from a source not authorised by a Condition of this Permit and in a quantity which may cause pollution;
- Where an emission of any pollutant not authorised to be released under any Condition of the Permit is detected;
- Where an emission of any substance or heat is detected that has exceeded, or is likely to exceed, or has caused, or is likely to cause to be exceeded any limit on emissions specified in a Condition of this Permit.

"Location Plan" means the plan attached to Schedule 1 of this Permit;

"the Permitted Activities" is defined in Schedule 1 of the Permit;

"the Permitted Installation" is defined in Schedule 1 of the Permit and includes references to parts of the Permitted Installation;

"pollutant" and "pollution" have the same meaning as in the Regulations in relation to Part B Installations;

"SEPA" means the Scottish Environment Protection Agency;

"the Site Boundary" is defined in Schedule 1 of this Permit;

"Site Plan" means the plan attached at Schedule 1;

"the Regulations" means The Pollution Prevention and Control (Scotland) Regulations 2000;

"Any reference to a group of Conditions, numbered Condition, Schedule, Table, Appendix, Figure or Paragraph is a reference to a group of Conditions, numbered

Condition, Schedule, Table, Appendix, Figure or Paragraph bearing that number in this Permit;

Except where specified otherwise in this Permit:

- "day" means any period of 24 consecutive hours,
- "week" means a period of 7 consecutive days,
- "month" means a calendar month,
- "year" means any period of 12 consecutive months;

and any derived words (e.g. "monthly", "quarterly") shall be interpreted accordingly;

Except where specified otherwise in this Permit, any reference to an enactment or statutory instrument includes a reference to it as amended (whether before or after the date of this Permit) and to any other enactment, which may, after the date of this Permit, directly or indirectly replace it, with or without amendment.

1 THE PERMITTED INSTALLATION

1.1 Description of Permitted Installation

1.1.1 The permitted installation to which this Permit applies ("the Permitted Installation") is:

1.1.1.1 The stationary technical unit specified in paragraph 1.1.4 ("the Stationary Technical Unit"), where the Activities specified in paragraph 1.1.3 are carried out ("the Activities"), together with the directly associated activities specified in paragraph 1.1.5 ("the Directly Associated Activities").

1.1.1.2 The site of the Permitted Installation is delineated in red on the Site Plan ("the Site Boundary").

1.1.2 The general location of the Permitted Installation is as shown on the Location Plan.

1.1.3 The Activities carried out at the Stationary Technical Unit are:

1.1.3.1 The bulk storage of ethylene being an activity falling within Part B of Section 4.8 of Schedule 1 of the Regulations described as the storage of chemicals in bulk namely ethylene in quantities greater than 8,000 tonnes.

1.1.4 The Stationary Technical Unit comprises the following units:

1.1.4.1 Two identical double skinned refrigerated storage tanks each with a storage capacity of 10,000 m³.

1.1.5 The following Directly Associated Activities are carried out on the Site:

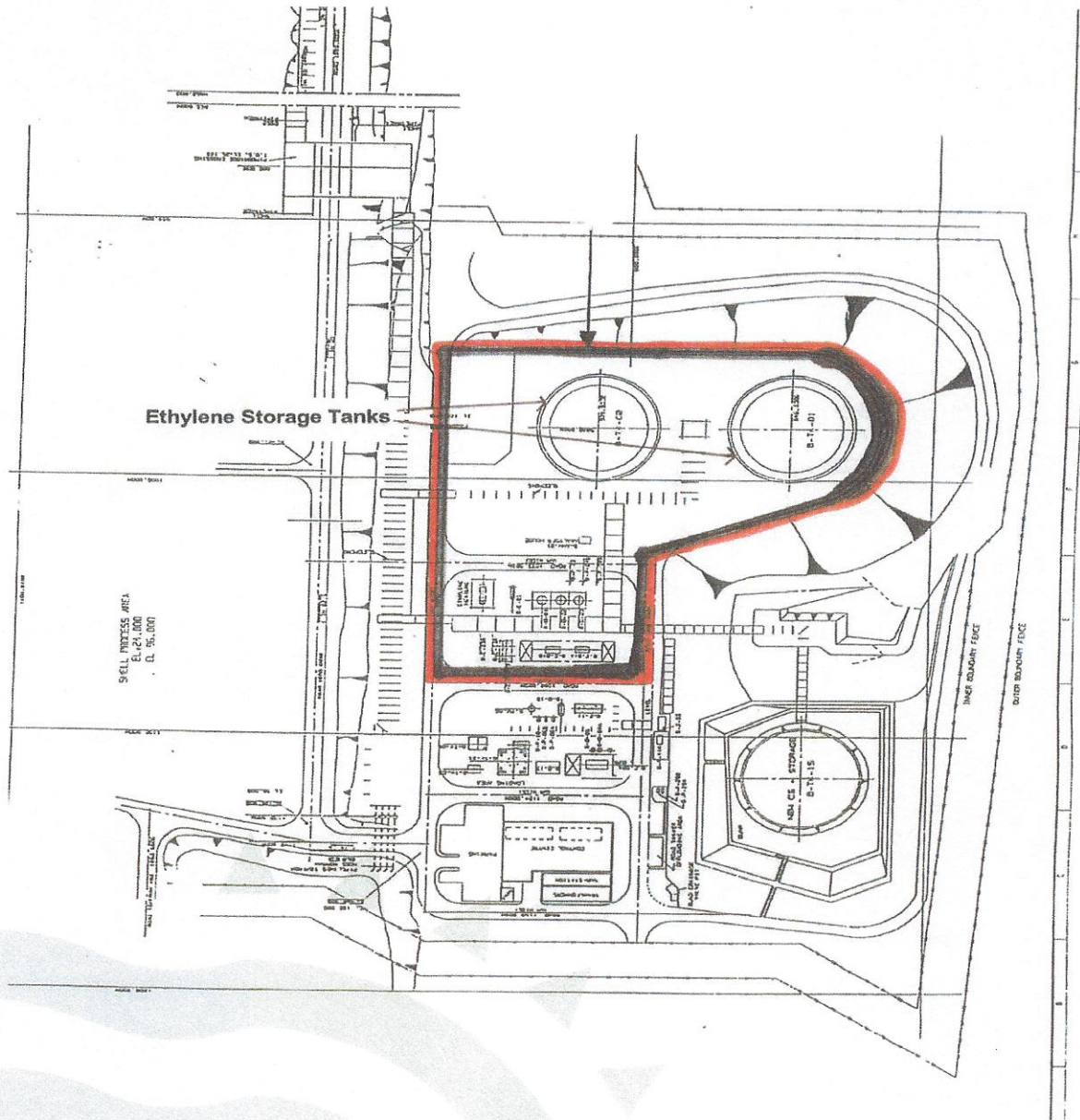
1.1.5.1 2 recycle compressors which return boil off vapours to the Fife Ethylene Plant at Mossmorran.

1.1.6 The vapour control unit and C5 storage are not part of the Permitted Installation.

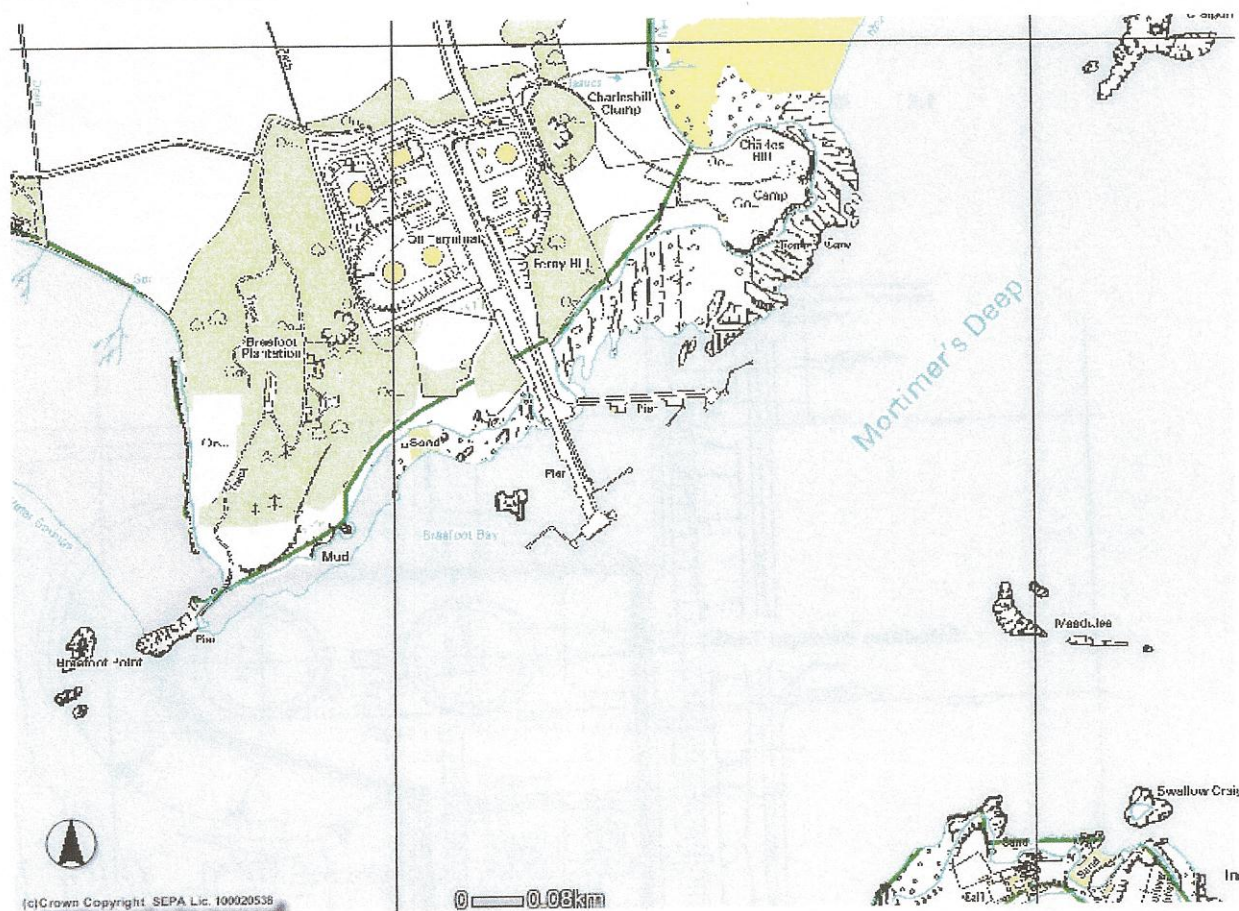
1.1.7 For the purposes of this Permit, the Activities and Directly Associated Activities shall be known together as "the Permitted Activities".

1.2 Site Plan

1.2 Site Plan



1.3 Site Location



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0 0.08 km

2 STANDARD CONDITIONS

2.1 Administration

- 2.1.1 The Operator shall have an appropriate person (and deputy) as the primary point of contact with SEPA and shall notify SEPA in writing of the name of the appointed person (and deputy) within 4 weeks of the date of this Permit.
- 2.1.2 In the event of a different person being appointed to act as primary point of contact (or deputy) the Operator shall notify SEPA in writing of the name of the appointed person or deputy without delay.
- 2.1.3 A copy of this Permit shall be kept at the Permitted Installation and shall be made readily accessible for examination by all staff.
- 2.1.4 Any systems or procedures used by the Operator to demonstrate compliance with a condition of this Permit shall be recorded.

2.2 Records

- 2.2.1 All records made in compliance with this Permit shall be kept in a systematic manner.
- 2.2.2 Unless otherwise specified in a Condition of this Permit, every record made in compliance with a Condition of this Permit shall be preserved for not less than 5 years from the date of its being made. Every such record shall be kept at the Permitted Installation for not less than one year from the date of its being made and thereafter preserved at a location, previously notified to SEPA in writing, if that location is not the Permitted Installation.
- 2.2.3 All records shall be legible, and any amendment made to any record made in compliance with a Condition of this Permit shall be made in such a way as to leave the original entry clear and legible. The reason for each amendment shall be explained in the said record.
- 2.2.4 Without prejudice to Condition 2.2.2, all operator's records relevant to the operation or maintenance of the Permitted Installation shall be kept at the Permitted Installation for not less than one year from the end of the period to which they apply.

2.3 Reporting

- 2.3.1 Where any Condition of this Permit requires information to be reported, a report shall be forwarded in writing in duplicate to SEPA at the address specified in the explanatory notes attached to this Permit, on the date(s) or within the period or at the frequency specified in Table 2.1 and, where appropriate, the first report shall be due on the date specified in that Table. The first report shall be due on the date specified in that Table. All such reports shall include the Permit number and the name of the Operator.

Table 2.1 - Reporting Requirements

Summary of Information to be Reported	Condition	Date/Within Period/ Frequency to be Reported	Date First Report Due
The appropriate person (and deputy)	2.1.1	Not applicable	Within 4 weeks of issue of Permit
Incident Investigation Report	2.4.3	Within 14 days of the date of the incident unless otherwise agreed in writing with SEPA	Not applicable
Annual Mass Emissions	3.1.1	annually	28 February 2010
Fugitive Emissions Management Plan	3.3.2/3	At least every 4 years	31 July 2010

2.3.2 Where the Permitted Installation has not operated for the duration of any reporting period specified in Table 2.1 the Operator shall provide written notification to SEPA. This shall confirm that no reports have been made in terms of Condition 2.3.1 because the Permitted Installation has not operated during said period. Notifications shall be submitted within one month of the end of the reporting period concerned.

2.3.3 All notifications required by any Condition of this Permit shall be made to SEPA in the manner specified in that Condition to the address specified in the explanatory notes attached to this Permit by the date(s) or within the period or at the frequency specified in Table 2.1 and, where appropriate, the first notification shall be due on the date specified in that Table. All such notifications shall include the Permit number and the name of Operator.

2.4 Incidents

2.4.1 In the event of an incident, the Operator shall notify SEPA by telephone, without delay. This notification shall include as far as practicable the information specified in Condition 2.4.2.

2.4.2 The Operator shall confirm any incident to SEPA in writing by first class post or fax on the next working day after identification of the incident. This confirmation shall include: the time and duration of the incident; any emission as a result of the incident; an initial estimate of the quantity and composition of any emission, the measures taken to prevent or minimise any emission or further emission, and a preliminary assessment of the cause of the incident.

2.4.3 Any incident notified to SEPA shall be investigated by the Operator and a report of the investigation sent to SEPA. The report shall detail, as a minimum, the circumstances of the incident, an assessment of any harm to the environment and the steps taken by the Operator to bring the incident to an end. The report shall also set out proposals for remediation, where necessary, and for preventing a repetition of the incident.

2.5 Sampling and Monitoring Facilities

- 2.5.1 Sampling measurement and monitoring facilities at the Permitted Installation shall conform to the requirements of the relevant test methods specified in any Condition of the Permit or as otherwise agreed in writing by SEPA.
- 2.5.2 Unrestricted access to all sampling points required by any Condition of this Permit shall be provided at all times.

2.6 Odour Conditions

- 2.6.1 All emissions to air from the Permitted Installation shall be free from offensive odour, as perceived by an Authorised Person, outside the Site Boundary.

2.7 Visible Conditions

- 2.7.1 All emissions to air, other than steam or condensed water vapour shall be free from droplets and from persistent mist and persistent fume.



3 CONDITIONS APPLYING TO THE ETHYLENE STORAGE

3.1 Air Emission Conditions

- 3.1.1 The Operator shall estimate, record and report the annual mass emission of ethylene to atmosphere using a method agreed in writing with SEPA.
- 3.1.2 Information used to estimate mass emissions in compliance with Condition 3.1.1 shall be recorded for each estimate.

3.2 Operation of Permitted Installation

- 3.2.1 The operation of any relief or safety device fitted to the process which results in release of ethylene to atmosphere shall be recorded. The record shall include the date, time and duration of the release, the location and cause of the release and an estimate of the quantity of ethylene release.

3.3 Fugitive Emissions

- 3.3.1 The Operator shall take all necessary measures to minimise fugitive emissions from the process.
- 3.3.2 The Operator shall produce a Fugitive Emissions management plan which shall specify the methods to be implemented for the purposes of reducing fugitive emissions associated with the Permitted Activities. The Fugitive Emissions Management Plan shall be reported to SEPA.
- 3.3.3 At least every 4 years, the Operator shall carry out a review of the Fugitive Emissions Management Plan. The review shall be recorded and reported to SEPA.



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EXPLANATORY NOTES

(These explanatory notes do not form part of the Permit)

1. BAT

It should be noted that Regulation 9(11) & (12) of the Regulations specifies that there is an implied Condition in every Permit that, in operating the installation or mobile plant, the Operator shall use the best available techniques (BAT) for preventing or, where that is not practicable, reducing emissions from the installation or mobile plant.

This implied Condition does not apply in relation to any aspect of the operation of the installation or mobile plant, which is regulated by a specific Condition of the Permit. Examples of aspects of operation which have not been regulated by specific Conditions are management and supervision systems, training and qualification, and maintenance in general. (See paragraph 11 below for detail on management systems.)

BAT is defined in Regulation 3 of the Regulations as follows:

"Best available techniques" means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing in principle the basis for Emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole.

"available techniques" means those techniques which have been developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the cost and advantages, whether or not the techniques are used or produced inside the UK, as long as they are reasonably accessible to the operator.

"best" means in relation to techniques, the most effective in achieving a high general level of protection of the environment as a whole.

"techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.

Schedule 2 of the Regulations specifies the matters to be taken into account in determining BAT.

In considering BAT, SEPA would expect the Operator to have regard to all relevant PPC sectoral or other technical guidance, including Process guidance notes published by the Joint Agencies.

2. GENERAL STATUTORY REQUIREMENTS

The Permit does not detract from any other statutory requirements applicable to you in respect of the Permitted Installation, such as any need to obtain planning permission or building regulations approval or any responsibilities under legislation for health, safety and welfare in the workplace.

3. APPEALS

If you are aggrieved by any of the Conditions of the Permit, you should initially contact the Local SEPA Office at the address or telephone number below. Further information on your right of appeal and the appeals procedure is contained Regulation 22 and Schedule 8 of the Regulations.

4. SUBSISTENCE CHARGES

An annual subsistence charge will be payable in respect of the Permit in terms of the Air Pollution Control Fees and Charges (Scotland) Scheme 2002 or any relevant charging scheme made under Section 41 of the Environment Act 1995, copies of which are available from SEPA.

5. ADDRESS AND TELEPHONE NUMBERS

The contact address and telephone number for all information to be reported in terms of the Permit, is as follows: -

Scottish Environment Protection Agency
SEPA
Strathearn House
Broxden Business Park
Lamberkine Drive
Perth
PH1 1RX

Tel No: 0800 80 70 60 and / or 01738 627989
Fax No: 01738 630997

6. REVIEW OF CONDITIONS

The Conditions of the Permit will be periodically reviewed by SEPA

7. PROPOSED CHANGE IN OPERATION OF INSTALLATION

It is a requirement of Regulation 12 of the Regulations that if you propose to make a change in the operation of the installation, you must notify SEPA at least 14 days before making the change. The requirement under Regulation 12 does not apply if you have already made an application to SEPA for the variation of the Conditions of the Permit containing a description of the proposed change.

N.B. the requirements of Regulation 12 are in addition to any obligations you may have under the Permit itself to only operate the Permitted Installation in the manner set out in the Permit and to notify SEPA of proposed changes to the Permitted Installation.

Regulation 13 and Schedule 7 of the Regulations provide details on applications for variation of the Permit in respect of proposed changes and substantial changes in operation.

"Change in operation" and "substantial change in operation" are defined in Regulation 2 of the Regulations.

8. ENFORCEMENT & OFFENCES

If SEPA is of the opinion that you have contravened, or are contravening or are likely to contravene a Condition of the Permit it may serve an Enforcement Notice. Further details on Enforcement Notices are provided in Regulation 19 of the Regulations.

If SEPA is of the opinion that the operation of an installation or mobile plant involves a risk of serious pollution it must, in certain circumstances, serve a Suspension Notice on you. Further details on Suspension Notices are provided in Regulation 20 of the Regulations.

It is an offence to operate an installation or mobile plant covered by the Regulations without a Permit or in breach of the Conditions of the Permit. It is an offence to fail to comply with the requirements of an Enforcement or Suspension Notice. It is an offence to intentionally make a false entry in any record required to be kept under a Condition of a Permit. Further details on offences and on penalties liable to be imposed upon conviction of an offence are provided in Regulation 30 of the Regulations.

Directors, managers and other individuals within a company may be held personally liable for offences under the Regulations.

All personnel who are responsible for fulfilling any Condition of the Permit should be made aware of these facts.

9. RECORDED SYSTEMS, PROCEDURES OR INFORMATION RECORDING/ RETURN REQUIREMENTS

Where a Condition requires any system, procedure or information record/ return, the Operator may demonstrate compliance by making use of any relevant existing written system used for any other purpose and which meets the requirements of the relevant Condition.

10. SURRENDER OF PERMIT

Where the Operator has ceased or intends to cease carrying on the Permitted Activities (or part of them) at the Permitted Installation, SEPA must be notified. The details of the requirements for such notification are contained in Regulation 16 of the Regulations.

11. ENVIRONMENTAL MANAGEMENT REQUIREMENTS

The Regulations place a strong emphasis on the existence of appropriate and effective systems of management for installations to ensure a high level of protection of the environment. In assessing compliance with the requirements of the Permit, in particular the implied Condition, SEPA will consider the management of the installation.

Management systems, as an important component of BAT, play an important role in ensuring the installation is operated efficiently and effectively. Aspects of a good environmental management system include:

- A clear management structure and allocated responsibilities for environmental performance;
- Identification, assessment and management of environmental impacts;
- Compliance with legal and other requirements – impacting on the environment;
- Setting objectives and targets to prevent pollution and to continually improve environmental performance;
- Establishment of operating controls to prevent and minimise significant environmental impacts, particularly for start up, shut down and abnormal conditions; (also consider accident prevention);
- Preventative maintenance programmes for relevant plant, buildings and equipment concerned with the control of emissions to air and methods of recording and reviews; Corrective action to analyse faults and prevent reoccurrence;
- Monitoring and measuring performance of any release to the air from the installation;
- Monitoring and control systems for ensuring intended function occurs, identifying unintended operations and faults;
- Operating staff must be properly trained and management must ensure that appropriate procedures are strictly adhered to. Training requirement includes provision of adequate procedures/work methods, training for all relevant staff (personnel competencies, awareness of regulatory implications of the permit and all potential environmental effects from normal/abnormal operation, prevention of accidents) and implementation and maintenance of training records;
- Communication and reporting of incidents of actual or potential non-compliance and complaints;
- Auditing - to check all activities are being carried out in conformity with these requirements (at least annually);
- Reviewing and reporting environmental performance, incorporation of environmental issues in all other relevant aspects of the business (including control of change processes, allocation of resources, planning, etc);
- Managing documentation and records - to control, locate and update.

Adoption of some form of environmental management system ensures that PPC Part B permit conditions are taken account of in the day to day running of the process. Regulators will use their discretion, in consultation with the individual process operators, in agreeing the appropriate levels of environmental management.

It is not essential for the operator to obtain certification and /or registration to any formal EMS standard such as ISO14001 or the EC Eco Management and Audit Scheme. Obtainment of certification and/or registration does not lessen to the obligation of the operator to comply fully to the requirements of the Permit.

Further guidance on the environmental management systems will be contained within the process specific 'Secretary of States's Guidance' (often referred to as Process Guidance notes).

