

Mossmorran & Braefoot Bay Community & Safety Liaison Committee Meeting

Date: 10th June 2021

Time: 18:30

Location: Microsoft Teams Meeting

Present: Councillor Alistair Bain, Convener – Fife Councillor (AB)
Councillor David Barratt (DB)
David Green (DG), HSE
Nigel Kerr – Fife Council (NK)
Kylie Bishop - ExxonMobil (KB)
Ian Brocklebank – SEPA (IB)
Martin Burrell, ExxonMobil (MB)
Craig Burnett – Shell (CB)
Peter Franklin - Dalgety Bay Community Council (PF)
Alex MacDonald – Burntisland Community Council (AMacD)
Mairi McKay – Shell (MMcK)
Stuart Neill – ExxonMobil (SN) by phone
Louise Russell - ExxonMobil (LR)
Wendy Thornton – SEPA (WT)

Secretariat – Lesley Kirk, Fife Council

Apologies: Ameila Howie, Lumphinnans Community Council
Emma Miller, Hill of Beath Community Council
Angela Roy, Cardenden Community Council

1. Apologies for Absence

Noted.

2. Declaration of Interest

None.

3. Minutes of Previous Meeting

Amendment to Present List. Neal Hanvey is MP not MSP.

Minutes accepted.

4. Joint Presentation by SEPA/HSE/LA

WT talked to a presentation.



SEPA

Presentation.pdf

- WT said whilst we are separate organisations we do work very closely together along with NHS Fife and Public Health Scotland, Fife Council and HSE.
- Organisations meet regularly during a significant flaring event to share information particularly around monitoring results and any complaints received.
- SEPA's Regulatory Strategy is available on their website.
- Compliance is set out by regulations. The main environmental regulations for the Mossmorran complex are the Pollution Prevention and Control Part A (PPC). WT

emphasised Part A. SEPA regulates under a number of regulations which are all different which they must do or can do. Control of Major Accident Hazards Regulations (COMAH) Emissions Trading Scheme (ETS)

- With regard to 'best available techniques' and 'all measures necessary', they have specific meanings which take account of the cost and benefit of techniques and measures an operator may apply.
- PPC regulations also applies to Braefoot Bay but under Part B. SEPA only has the power to regulate emissions to air.
- A lot of work has been undertaken with companies over the last year in relation to BAT. BAT review carried out in 2019.
- SEPA use a range of tools to assess and drive compliance. WT emphasised ultimately it is the operator's responsibility to comply with regulatory requirements.
- Unable to undertake inspections on site due to covid but have carried out a number of desk-based inspections.
- Monitoring locations information has been shared with the committee before. WT advised the monitoring data is shared with partners, we look at the air quality standards and work with partners to understand the impacts.
- WT said it is important to remember we have never recorded an exceedance of an air quality standard as a result of emissions from Mossmorran.
- There are links for enforcement which covers the guidance in more detail.
- SEPA are very committed to community liaison and are dedicated to building stronger community engagement.
- The Irish EPA Review will be covered in more detail at the next committee meeting.

AMacD asked with regard to greenhouse gases, the cap on the total amount of emissions, is this per year, per event etc KB replied it is reported on an annualised basis which will incorporate any event and covers scope one omissions. Scope two covers any additional energy usage.

AMacD asked if SEPA have any role to play in the design of the road network, urban development which might contribute to air quality.

NK advised you can have a new industry or road which will impact on existing residual properties but on the flip side you can have new properties built next to an existing pollution source. Both instances are part of air quality assessments which would include noise etc SEPA along with Nigel's team would be statutory consultees in the planning application process and would look at combined sources, impacts of existing sources on receptors. Ian advised on the SEPA website there is a sector plan for strategic infrastructure which covers transport and utilities.

DB asked in relation to the Irish EPA Review what were the two recommendations rejected and why? WT replied one of the recommendations was to deploy someone on site as a SEPA representative. SEPA felt this was unworkable and could be delivered in other ways by thinking more innovatively. This may be taken forward. The second recommendation related to the process for permit variations, SEPA are going to look at how they can improve their guidance.



HSE
Presentation.ppt

DG talked to a presentation.

- 3 regulatory teams who operate in the North of England and Scotland. 1 team based in Glasgow and 1 based in Edinburgh.
- 3 specialist teams who are mechanical engineers. 2 units operate in the South of England who are electrical, control systems and human factors. Process safety specialists are deployed nationally.

- It is the operators of the sites duty to make sure their site is safe. HSE provide assurance that sites are managing their major hazard risks to a standard which is acceptable.
- COMAH Regulations 2015 are the regulations sites are primarily regulated under which covers safety and environmental. HSE's role is safety. Work together with SEPA and other agencies to ensure COMAH is covered. Internal mechanisms with the competent authority to enable a more joined up approach.
- HSE regulates under the Health & Safety at Work Act.
- The regulatory model covers the management of major hazard risks.
- Regulatory model in practice.
- Sample inspections (sample of what?) is to sample the effectiveness of the management system.
- Barriers to prevent major hazard.
- Safety Management System Failures - loss of containment, looking at the risk control barriers, HSE inspection barrier would be to look at the tank integrity barrier.
- Enforcement options – verbal, written, legal, enforcement notices and prosecution. HSE can choose any of these options and come in at any point.

DB said there is a perception amongst some, happy to be corrected, that HSE are not as good as communicating publicly and there is not much of a communication strategy in the same way as other operators. Do you think there is room for improvement or capacity legislatively for HSE to communicate more publicly?

DG replied yes, we could do more. It is not within our policy to publish all the findings of all our inspections. Our difficulty is it would fall to individual inspectors to complete this work and with limited resources is not seen as a priority. The public database for major hazard sites should be populated with the day and findings of the last inspection by the operators which is available to the public. SEPA are slightly different as they need to report direct to the Scottish Government.

AMcD said when you are assessing safety at different sites do you have a scoring system e.g. this is where an operator sits within their industry/geography. DG replied we keep a whole host of data and we do score on specific strategic topics. HSE use a principal called ALARP (as low as reasonably practical) which balances what we expect people to do versus the consequences and cost. DG advised the scoring is mainly used for directing our internal strategies but also used for communicating with operators to let them know where they are. The scoring is 10 to 60, 10 being very compliant with 60 being incredibly poor. We use them to inform on where we are going to next so we can prioritise our resources, we do not use them to publish externally.

AMcD advised it is easier to look through a league table but confirmed HSE does have scoring mechanism internally but is not available to the public. DG said he would expect his inspectors to be visiting a poorly managed site.

AB asked when was the last time HSE inspected both plants at Mossmorran, was there any failures and what was done. CB replied for FNGL, HSE have been on site in the last week, one for human factor and one for flare event inspection. One recommendation received at the lowest level from HSE on human factors. Flare event inspection is next week.

MB confirmed they had not had many visits on site over the last few months, one prior to Christmas, but has had numerous telephone and email interaction with HSE. We have been discussing our next inspection programme which will take place once the turnaround start-up gets completed.

DG said around seven interventions are planned for the Mossmorran site which will be the same for Shell and will cover a range of areas as each intervention may have a headline.

DG is happy to return to a future meeting to answer questions on specific topics and explain the background as to why they do things in a certain way.

AB asked if the presentations could be forwarded to Lesley Kirk.



2021 06 08 Fife
Council Air Quality F

NK talked to a presentation.

- The Environment Act 1995 placed an obligation on local authorities to ensure statutory objectives on air quality are not exceeded.
- The main pollutants for concern are nitrogen dioxide, particulates.
- Fife Council also carries out assessments for other pollutants e.g. sulphur dioxide.
- Annual assessment, we look at all pollution sources, traffic related sources (trains, hgvs, cars, buses), coal burning, industry. To get a picture across Fife we superimpose these on top of each other to see what the air quality looks like.
- Annual Progress Report is produced. Information about air quality and reports can be found at the following link [Air Quality in Fife](#)
- In Fife we have 58 diffusion tubes. It gives a monthly average of nitrogen dioxide.
- 4 permanent roadside monitors at Inverkeithing, Dunfermline, Kirkcaldy and Cupar.
- If air quality does not meet legal standards we are required to declare an Air Quality Management Area and produce a plan to reduce pollutants in the area. Currently two in Fife both relating to traffic, one in Bonnygate Cupar and Appin Crescent, Dunfermline. There has been a downward trend of nitrogen dioxide and concentrations of particulates. Currently reviewing these two air quality management areas.
- Fife ran an ECO Stars Fife Programme which is one of the most successful campaigns in the country. 8500 vehicles covered in Fife. Fife Council has 55 electric hybrid vehicles and charging points being installed across Fife.
- Mossmorran and Braefoot IAQ Review Group has been operating for a while providing an independent review and scrutiny of air omissions which is now morphing into the Expert Advisory Group on Air.
- There has never been a recorded measure in an exceedance of an air quality standard as a result of emissions from Mossmorran.
- Fife Council has a responsibility to investigate complaints on statutory nuisance but prevented from taking action if the Part A SEPA permit covers the specific aspect in the conditions.

AMcD asked if Fife Council has a programme for placing temporary monitors at places under short term concern. NK replied yes, we can also use modelling software.

AMcD enquired what action was taken at Bonnygate and Appin Crescent to give a positive result. NK replied tighter regulations with vehicles, changing the timing on traffic lights, changing driver behaviour etc

5. Current Situation Reports

5.1 Councillors

AB: One complaint this quarter regarding the Shell Restart Programme starting flaring on the 6th May which coincided with the Scottish parliamentary elections.

DB: Left the meeting earlier.

5.2 Shell UK Ltd (CB)

CB talked through items in the Shell Report for Q2 which was circulated previously.

MMcK talked through Social Investments & Events and reminded the committee community grants of up to £1k are available to support registered charities and community groups.

AB enquired about funding. MMcK advised she would be happy to put them in touch with their funding administrator.

5.3 ExxonMobil (MB)

MB talked through items in the ExxonMobil Report for Q2 which was circulated previously.

NK asked with regard to the new flare tip, in terms of the restart, wondered if there will be early indications on how the improved performance is looking. Could a piece of work be carried out on noise levels associated with gas flow compared with the old flare tip. MB replied we have tried to take the right environmental answer which is we are not going to deliberately put gas up the flare tip just to carry this test out. This was done previously in a factory test. MB said they will certainly take measurements for what ever level of flaring there will be which will hopefully reconfirm what they expect with tests being carried out in the future. KB advised there are five offsite permanent noise monitors which are recording all the time and will assess data during the start-up. We expect the data to feed out that it is performing as designed, showing significantly lower levels. SN said this design of flare tip is already operational in one of their sites in America. Engineers have taken data from this and we have historical data already and will add to this.

AMacD commented it would be useful to ascertain how many hits the short animations had received which would give an indication if people are accessing the website, videos etc Secondly, the regulatory update, the tonnage flare etc during the shutdown and start up compared to 2012 and 2019. This information is extremely helpful and valuable and would like to see this promoted more widely.

AMacD commented with regard to the Boost to Local Economy he received a press release from Tanya Scoon as she was hoping it would printed in the Burgh Buzz, unfortunately she missed the deadline however the editor was very interested in the content and will contact Tanya ahead of the next deadline in July.

5.4 SEPA (IB)

IB talked to a presentation which highlighted the following:

- Would like to remind people SEPA are putting information and updates on the Mossmorran Hub e.g. monthly update from Exxonmobil on the progress of the ground flare.
- The response to the Irish EPA Review is progressing and will be covered in more detail at the next meeting.
- SEPA are continuing to monitor air and noise in community locations. We would like to reassure people SEPA will be deploying regulatory and scientific staff in local communities during the upcoming FEP start as SEPA have done for a number of events in the past.
- Impact on communications due to the cyber attack SEPA have continued to encourage people to use the web reporting tool and we continuing to follow up on complaints. 16 complaints received since last our update which related to flaring. These were followed up appropriately with the company.

- Noise data to assess impact – SEPA can engage with the community to ascertain what they are experiencing and help them understand how this is assessed and reassure them SEPA are talking to the operators and something is being done.

6. Presentation topics for next meeting

It was agreed WT would present a fuller presentation on the Irish EPA Review at the next meeting.

7. Any Other Business

NK said the Review Report presented to Environment and Protective Services Committee on the 17th September 2020 outlined two recommendations:

- (1) Updated Terms of Reference and Constitution should go back to committee at a future date.
- (2) Annual Report be produced and presented at this committee.

NK said he would work on the Terms of Reference and Constitution and will arrange another meeting as soon as possible and suggested this could be presented at the November Environment and Protective Services Committee.

NK requested feedback on how the Annual Report should look and what is the best time to produce it, taking into consideration annual reporting deadlines. NK advised this could be discussed further at the next Liaison Committee meeting.

SN asked if there is a publication date on Fife Direct for the Air Quality Monitoring Report. NK replied he will follow this up.

NK said with regard to the 2020 Report should this just be a technical report covering analysis of that year's monitoring, should it include flaring events or should these be captured separately. KB replied the current report includes all events which occur throughout the year and confirmed the data should stay included.

AB asked if a non-technical report could be produced alongside a technical report.

AB confirmed the next date of the Liaison Committee will be circulated in due course.

MMcK asked if dates had been agreed for EAG's. NK replied no but would be in contact soon.

AB thanked everyone for attending and for the interesting presentations.

	Action	Lead	Status
1	Terms of Reference and Constitution to be reviewed.	NK	
2	Publication date on Fife Direct for the Air Quality Monitoring Report	NK	Complete
3	Date of the next Liaison Committee to be circulated.	AB/NK	Complete
4	Dates for EAG's to be organised.	NK	