Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	Report ID: 5768

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

Site	Pembroke Power Station			Permit Ref	DP3333TA		
Operator/ Permit holder	RWE Generation UK Ltd						
Date	12 January 2015			Time in	-	Out	-
What parts of the permit were assessed	See Below						
Assessment	Choose an item.	EPR Activity:	Installation X	Waste Op		Water Discharge	
Recipient's name/position	Dafydd Williams Environmental Engineer						
Officer's name	Karen Dunn PPC Officer			Date issued	18 May 2015		

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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				**Condition(s) breached**
a) Permitted activities	**1**. Specified by permit	A		
b) Infrastructure	**1.** Engineering for prevention & control of pollution	N		
	2. Closure & decommissioning	N		
	3. Site drainage engineering (clean & foul)	N		
	4. Containment of stored materials	N		
	5. Plant and equipment	N		
c) General management	**1**. Staff competency/ training	N		
	2. Management system & operating procedures	N		
	3. Materials acceptance	N		
	4. Storage handling, labelling, segregation	N		
d) Incident management	**1**. Site security	N		
	2. Accident, emergency & incident planning	N		
e) Emissions	**1.** Air	N		
	2. Land & Groundwater	N		
	3. Surface water	N		
	4. Sewer	N		
	5. Waste	N		
f) Amenity	**1**. Odour	N		
	2. Noise	N		
	3. Dust/fibres/particulates	N		
	4. Pests, birds & scavengers	N		
	5. Deposits on road	N		
g) Monitoring and records, maintenance and reporting	**1**. Monitoring of emissions & environment	A		
	2. Records of activity, site diary, journal & events	N		
	3. Maintenance records	N		
	4. Reporting & notification	A		
h) Resource efficiency	**1**. Efficient use of raw materials	N		
	2. Energy	N		

KEY: **C1, C2, C3, C4** = CCS breach category **(* suspended scores are marked with an asterisk),**
A = Assessed or assessed in part (no evidence of non-compliance), **N** = Not assessed, **NA** = Not Applicable

Number of breaches recorded	0	**Total compliance score** (see section 5 for scoring scheme)	0

If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

Introduction

This CAR form acknowledges receipt of the 2013 Environmental Monitoring report submissions made by RWE Generation UK Ltd in July 2014. The reports have formed the basis of current and on-going discussions between NRW and the operator. It also includes a memorandum of understanding regarding data sharing and current work associated with a five year (2015-20) Environmental Monitoring Plan.

Environmental Monitoring Reporting

The monitoring programme at the power station is linked to pre-operational condition 4 (PO4) (a) and (c) in the environmental permit The programme consists of 16 surveys which are reported on an annual basis to NRW.

In July 2014 the operator submitted the following reports:

1. RWE Consultancy Report: Sub tidal Reefs Monitoring Report 2013. Jacobs 2014 Ref: JUKL/B18107001/R22

2. RWE Consultancy Report: Pembroke Environmental Monitoring Intertidal Ecology Report 2013. Jacobs 2014 Ref: JUKL/B1810700/R24

3. RWE Consultancy Report: Pembroke Environmental Monitoring Water Quality and Plankton Survey 2013 .Jacobs May 2014 Ref: JUKL/B1810700/R20

4. Analysis of 2013 Milford Haven Monitoring Data. RWE April 2014 Ref: ENV/557/2014

5. Pembroke Environmental Monitoring 2013. Monitoring of Chlorination By-Products in Biota Year 2. Jacobs May 2014

6. Pembroke Environmental Monitoring 2013: Subtidal Benthic Ecology report. Jacobs May 2014 Ref: JUKL/B1810700/R20

7. Pembroke Power Station 2013: Annual Entrapment Monitoring Report .Jacobs 2014

8. RWE Consultancy Report: Pembroke Environmental Monitoring 2013. Fish Survey Report. Jacobs May 2014 Ref JUKL/B1810700/R19

9. RWE Consultancy Report: Pembroke Environmental Monitoring. Intertidal Eelgrass Report 2013. Jacobs May 2014 Ref JUKL/B1810700/R19

10. RWE Consultancy Report. Pembroke Environmental Monitoring. Opportunistic Microalgae Report 2013. Jacobs 2014 Ref JUKL/B1810700/R26

11. Milford Haven Temperature Monitoring 2013 Data Report. Titan Environmental Surveys Ltd April 2014 Ref: CS0302

In order to make the programme as robust as possible and to be able to better understand natural variation and data interpretation the operator, along with their consultants meet with the regulator on an annual basis to discuss the previous year's monitoring, analysis and reporting. The discussions have included the identification of suitable control sites, location and frequencies of certain monitoring surveys undertaken in order to refine the monitoring programme and data analysis.

In summary from our review of the 2013 monitoring reports it is too early to draw any conclusions from this work. It is considered that it will take a number of years to understand any natural variation, climate change effects and possible impact from other potential sources from the data before any conclusions can be drawn. NRW continues to work with the operator to ensure that the monitoring programme remains relevant and meets the terms and conditions of the environmental permit.

Environmental Monitoring Plan 2015-20

In 2011 the operator submitted to Environment Agency Wales (EAW) and Countryside Council for Wales (CCW), a monitoring programme based on the design of the site and discussions to meet pre-operational condition 4 (PO4). In November 2011 confirmation was given by EAW (CAR 4303) that the requirements of PO4 had been met. On completion of the pre-operational conditions the operator was able to move into the commissioning stage of the power station. Also, in providing confirmation in respect of PO4 an agreement was made that some changes to the monitoring programme would need to be considered that were subject to discussions with the regulator.

Following the formation of NRW in 2013 bringing together the work of CCW and EAW a key objective has been to agree a 5 year monitoring plan (2015-2020) for the site. It is expected that this plan will not require significant alteration each year. The 5 year plan shall contain the monitoring types, frequencies and locations for each of the 16 surveys undertaken by the operator in agreement with NRW. In turn this plan will link to the operating techniques in the permit. Recent discussions with the operator have focused on the agreement and acceptance of the five year monitoring programme.

Data sharing

Memorandum of understanding concerning data sharing: It has been agreed that in the event that NRW data is unavailable (which has been offered and supplied to the operator to assist in the interpretation and supplement the operators own data) there will be no penalty by way of a non-compliance given in respect of the permit.

[End]

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Operator/ Permit	RWE Generation UK Ltd	Date	18 May 2015

Section 3- Enforcement Response	**Only one of the boxes below should be ticked**
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.	
In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.	
We will now consider what enforcement action is appropriate and notify you, referencing this form.	

Section 4- Action(s)

Where a non - compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.

Criteria Ref.	**CCS Category**	**Action Required/Advised**	**Due Date**
See Section 1 above			
		None	

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 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 which 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 Natural Resources Wales (NRW) to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). 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 (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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

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

NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report 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 the officer's line managers. 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) 601 0987.