

Compliance Assessment Report CAR_NRW0043368

Permit being assessed: DP3333TA.

For: Pembroke Power Station , **held by:** RWE Generation UK plc

At: Pembroke Power Station , Pembroke, PEMBROKE, Dyfed, SA71 5SS.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 08/02/2024.

Parts of permit assessed: Emissions and monitoring, Information.

NRW Lead Officer: Alex Bowder.

Report sent to: Daniel McDermott, Regulations Support Engineer, on 08/02/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3A - Emissions and monitoring - Emissions to water, air or land	Assessed (A)	
IR3B - Emissions and monitoring - Emissions of substances not controlled by emission limits	Assessed (A)	
IR4B - Information - Reporting	Assessed (A)	
IR4B - Information - Reporting	Assessed (A)	

Result types are explained in more detail in the 'Important Information' section below.

Total non-compliances recorded	Total non-compliance score
0	0

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?

No action required.

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.

At this time, we do not intend to take any further action.

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 (CAR) has been issued in response to the submission of the 2023 annual monitoring returns by RWE Generation UK plc (*the operator*) for activities at Pembroke Power Station, West Pennar, Pembroke, Pembrokeshire, SA71 5SS under permit EPR-DP3333TA.

This CAR was undertaken on 8 February 2024. However, to ensure that the CCS score is attributed to the correct financial year (for billing) the date on CARS has been altered to 31 December 2023.

Annual Returns 2023

Permit condition 4.2.2 requires the operator:

- 4.2.2 A report or reports on the performance of the activities over the previous year shall be submitted to Natural Resources Wales by 31 March (or other date agreed in writing by Natural Resources Wales) each year. The report(s) shall include as a minimum:
- (a) a review of the results of the monitoring and assessment carried out in accordance with the permit including an interpretive review of that data; and
 - (b) the annual production /treatment data set out in schedule 4 table S4.2; and
 - (c) the performance parameters set out in schedule 4 table S4.3 using the forms specified in table S4.4 of that schedule.
 - (d) where condition 2.3.5 applies the hours of operation in any year shall be reported to Natural Resources Wales.

The operator submitted the following documents as part of annual returns on 17 January 2023:

- BREF IED HR1 2023
- IED HR1 (Emergency)_2023
- CEMS Invalid Hours Days 2023
- IED AR1-382-2023
- IED AR1-383-2023
- IED AR1-384-2023
- IED AR1-385-2023
- IED AR1-286-2023
- LSW 231015 RWE Annual Service Tests Report for U11, U21, U31, U41, and U51
- Annual Environmental Performance Report 2023

It is noted that the Annual Service Test Reports on Continuous Emission Monitoring Systems (CEMS) calibration for 2023 have been submitted for information and are not a permit requirement.

Emission releases to air have been correctly reported for LCP1 LCP2, LCP3, LCP4, and LCP5. The emissions data submitted for Nitrous Oxide (NO_x) and Carbon Monoxide (CO) are compliant with permitted parameters.

The Annual Environmental Performance Report 2023 has been correctly produced in-line with condition 4.2.2 of the permit.

- The annual monitoring return submissions were sent within the 2023 reporting period, which is **compliant** with permit condition 4.2.2.

- The monitoring return submissions for Q1, Q2, Q3, and Q4 in 2023 were made inside the respective reporting windows, which is **compliant** with permit condition 4.2.3.
- The monitoring returns submitted include reporting of monitoring carried out in respect of the parameters and emission points specified in table S4.1, S4.2, S4.3 of schedule 4 - which is **compliant** with the environmental permit.
- The monitoring returns submitted are for the reporting periods specified in table S4.1 of schedule 4, which is **compliant** with the environmental permit.
- The monitoring returns have been submitted using the forms specified in table S4.4 of schedule 4 - namely, (i) Air and Energy, (ii) LCP, (iii) Air, (iv) CEMs, and (v) Water - which is **compliant** with the environmental permit.
- The monitoring returns submitted include results and assessments as required by the forms specified in table S4.4 of schedule 4, which is **compliant** with the environmental permit.

Based on the reports submitted by the operator, all emissions at the monitoring points and permitted requirements appear **compliant** with the specified limits over the 2023 reporting period.

If you have any issues with this report, please contact Senior Regulation Officer Alex Bowder at Alex.Bowder@cyfoethnaturiolcymru.gov.uk.

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.

If your assessment result in Section 1 is suspended, what does this mean?

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 compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 18:00), or email 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

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.