

Compliance Assessment Report

Report ID:
CAR_NRW0036791

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

Site	Aberthaw Power Station	Permit Ref	RP3133LD		
Operator/Permit holder	RWE Generation UK plc				
Regime	Installations				
Date of assessment	16/07/2020	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Emissions, monitoring and decommissioning				
Lead officer's name	Leakey, Antony				
Accompanied by					
Recipient's name/position	Neil Lebbern/ Station Chemist	Date issued	16/07/2020		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). 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	CCS Category	Condition(s) breached
E1 - Emissions - Air	A	
E3 - Emissions - Surface water	A	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4 - Suspended	3.5.1
KEY: See Section 5 for breach categories, suspended scores will be indicated as such. A = Assessed or assessed in part (no evidence of non-compliance), X = Action only, O = Ongoing non-compliance, not scored.		

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	0
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If the Number of breaches recorded is greater than zero, please see Section 3 for 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 (eg. 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 advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Aberthaw Power Station

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Surface water monitoring and reporting

The AquaTroll 500 instrument for continuous turbidity, conductivity, pH, temperature and Hach Lange FP360SC oil in water monitor do not appear to be MCERTS instruments, presumably due to performance and spares compatibility with similar instruments installed at other stations.

The action level adopted for turbidity of >100 NTU seems relatively high and should be reviewed once sufficient data are available to establish normal levels.

Monthly reporting of surface water discharge parameters for comparison with the proposed action level should continue but using data based the continuous measurements, e.g. period average and max/min value plus any analytical results obtained (see metals section below). The format should be suitable for the public register but does not necessarily need to be based upon the current obsolete reporting forms.

ACTION: RWE to provide details of the rationale for CWM instrument selection, review turbidity action level and propose reporting approach for surface water discharge parameters by 31 October 2020.

Seawater discharge metals monitoring

Test results for metals in the stagnant seawater system have been elevated and may have been affected by analytical lab delays due to COVID-19 restrictions. However, investigation into chemistry changes in this stored water body should be made. For example, reducing pH due to atmospheric carbon dioxide absorption may cause dissolved metals concentrations to increase, or anoxic conditions in settled sludges may increase acidity levels and release metals from accumulated sludges. Consideration may need to be given to treating this water before eventual discharge or removal to ensure that bioavailable metals levels are not significant.

Reporting of metals would be expected to be at background levels, however, consideration needs to be given to the possibility of residual contamination from accumulated sludges in the CW and FGD systems leaching into the seawater system and ultimately discharging into the Bristol Channel with tidal movements.

ACTION: RWE to investigate potential chemistry changes and sources of contamination in the CW and FGD systems, propose any remedial actions necessary and propose sampling reporting approach for metals parameters by 31 October 2020.

Permit surrender

A partial surrender application is expected to be made before the end of 2020. In the meantime, reporting of nil returns for air emissions following the decommissioning of MERS and the station CEMs is no longer required. The final operational quarter TNP RTA1 submission has been made

to the TNP Register. The 2020 TNP emission allowances have been reduced pro-rata for the remaining period of operation until closure on 31 March 2020 to sulphur dioxide – 1174 tonnes, oxides of nitrogen – 1168 tonnes and dust – 117 tonnes. This has been formally communicated to the TNP Register using form RAA1 dated 9 April 2020, although compliance is a straightforward matter as no coal-fired operation occurred during Q1 2020.

Biota survey (IC21)

The next survey will need to be undertaken after a suitable period of no or low load operation has elapsed since the last. 3-5 years is suggested but this will need to be considered in the context of the overall power station permit surrender timescale and future use of the site. NRW proposes that this aspect is considered and presented as part of the partial surrender application to be made to formally move the station permit into the decommissioning and demolition phase.

ACTION: RWE to include a proposed survey timing in the partial surrender application.

Boiler preservation drain down

All boiler water has been drained and boiler chemical dosing and bulk storage systems have been decommissioned.

Coal stock removal

Residual coal stock removal has resumed following delays introduced by COVID-19 restrictions and is now largely completed.

Hazardous inventory removal

Most high hazard material inventories have now been removed. Some bulk fuel oil stock remains. Denotification under the COMAH Regulations has been made.

ACTION: RWE to provide an update on decommissioning progress against current plan by 31 October 2020.

Emissions review

All station generation has ceased from 31 March 2020. Groundwater monitoring has been suspended due to COVID-19 restrictions and some water monitoring analysis was delayed. This will be treated in accordance with the NRW Regulatory Decision on monitoring and reporting during the COVID-19 pandemic:

<https://naturalresources.wales/about-us/news-and-events/statements/regulatory-decisions-for-monitoring-and-reporting/?lang=en>

END

EPR Compliance Assessment Report

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Operator/Permit holder	RWE Generation UK plc	Date	16/07/2020

Section 3 – Enforcement Response

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.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
G1	C4	Monitoring to be resumed in accordance with the NRW Regulatory Decision on monitoring and reporting during the COVID-19	31/12/2020

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 verbally or 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 that 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 the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The 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 (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The 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

The 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 fifteen 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 officer's line managers using the informal appeals procedure. 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 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.