

Compliance Assessment Report CAR_NRW0039398

Permit being assessed: RP3133LD.

For: Aberthaw Power Station , held by RWE Generation UK plc

At: The Leys , Aberthaw, Vale of Glamorgan, CF62 4ZW.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 31/12/2021.

Parts of permit assessed: Emissions, monitoring and reporting

NRW Lead Officer: Antony Leakey.

Report sent to: Chrissie Matthews, Environmental Consenting and Permitting Advisor on 16/02/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E2 - Emissions - Land and groundwater	Assessed (A)	
E3 - Emissions - Surface water	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	

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

Total number of 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

Aberthaw Power Station

Report review – 31 December 2021

Surface water monitoring and reporting

RWE reported loss of availability of the CEMS on the CW outfall (W2) in March and April 2021. The CEMS were unavailable for 2 days in March due to a loss of communication with the instrument. The total availability of the CEMS for March was 93.5% and for the days where the instrument was available the data was within the normal range.

During April the CEMS were unavailable for 14 days due to a communications failure.

Continuous emissions monitoring of key water quality parameters is important due to the limited manning of the station and potential for uncontrolled releases of residual process materials during demolition.

ACTION: RWE to confirm that instrument communications fault has been rectified and potential future failures minimised.

The Hach Lange FP360SC oil in water monitor was out of service and returned to the supplier for further evaluation of the best way to obtain a reliable reading. It is unclear if this monitoring has been reinstated.

ACTION: RWE to provide an update at next compliance meeting.

Reporting against the turbidity action level of 100 FTU (absolute value) should be considered pending a variation of the station permit to incorporate post-decommissioning monitoring and emission limits. NRW suggests that maximum daily average values are reported each month in place of the differential suspected solids value in the current water emissions reporting form.

ACTION: RWE to consider turbidity reporting.

Seawater discharge metals monitoring

Manual samples of water in the CW system are taken once a week. The weekly samples are stored, and a monthly sample taken from this composite and sent for analysis. Preservation arrangements for these samples will be critical to obtaining reliable results

ACTION: RWE to confirm sample preservation approach for metals parameters at next reporting round.

Emergency generator relocation

Power supplies are now completed, and the temporary generator is no longer required. No noise complaints linked to generator operation were received by NRW.

Hazardous inventory removal

The HFO and gas oil tank farm decommission is now understood to be complete, although this has not yet been verified on site.

Some FBA and PFA deposits remain in difficult to access plant areas which will require removal as part of the demolition phase.

Improvement Condition IC21 – Biota Surveys

The history of this survey requirement relates to FGD operation but was always intended to include a post-operational survey, or surveys, to demonstrate that the discharge mixing zone steady state metals uptake is reversing.

Ultimately permit surrender may be contingent on this demonstration. This remains a “live” permit condition, although the frequency and timing of the next survey is currently undetermined.

ACTION: RWE to consider timing of next biota survey and make proposals as part of permit partial surrender application.

Emissions review

Monitoring data and annual performance indicators for 2020 and 2021 and the annual reports for 2020 and 2021 (condition 4.2.2 compliance) have been reviewed and no breach of permit conditions was identified.

The surface water discharge ammoniacal nitrogen results continue to return at greater than the differential limit and are absolute values (around 0.2-0.5 mg/l). Multiple values are reported at 0.41 mg/l, which may indicate reporting at the limit of detection. RWE should review this and report “less than” results if appropriate. The differential ELV is no longer relevant to the power station CW discharge regime as all significant sources of ammonia have been removed from the station and flows are significantly reduced. The differential ELV is disregarded pending determination of an appropriate absolute ELV following a period of data review. The revised ELV will be incorporated when the permit is varied into the post-decommissioning format.

The deposit gauge results at East Aberthaw Sidings deposit gauge were over the 80-100 mg/m²/day guideline value in August, September, October and November.

The filter papers have been sent for further analysis. Details of the filter analysis are to be provided. However, no activities likely to cause significant dust deposition at these locations has been undertaken. It is likely that dry summer conditions and other local sources will have contributed to the high deposition rates.

ACTION: RWE to provide filter analysis reports for highest deposition values.

END

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.

What are suspended scores?

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 and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance 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 20 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 – 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.