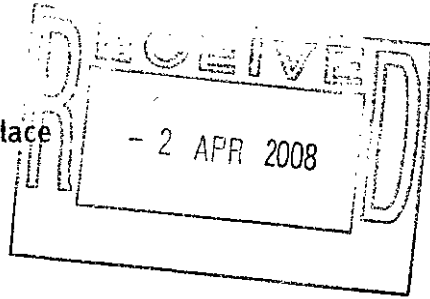


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Asiantaeth yr
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Environment
Agency Wales

Ms Val Lloyd
Chair
Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Ein cyf/Our ref: 08 04 Lloyd V 01

Eich cyf/Your ref:

Dyddiad/Date: 1 April 2008

Dear Ms Lloyd

Petition: Aberthaw Power Station

I refer to your letter dated 20 March 2008. Please find attached our briefing note, in response to the above petition, as requested.

In summary, as you rightly suggest this has been a complex matter, but we have followed a rigorous permitting process and we have engaged in significant dialogue with a range of parties (including FoE). We certainly do not believe that the resulting permit suffers from any of the weaknesses alleged by FoE.

Please do not hesitate to contact us however, should you require any further information.

Yours sincerely

**CHRIS MILLS
DIRECTOR WALES**

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BUDDIOLYDDELLI AFIN A THOLI
INVESTOR IN PEOPLE



Environment Agency Wales briefing note in response to Petition ref P-03-093:
(Tighter controls on the emissions from Aberthaw Power Station)

Background

The Petitioners seek tighter conditions on pollution from Aberthaw Power Station. **The petitioners would like the Environment Agency** to amend the new draft licence for Aberthaw Power Station, as published in November 2007, and seek specific changes. These include (see Appendix 1):

- Bringing forward a review of SCR (selective catalytic reduction) technology to January 2009, rather than 2012
- Continued monitoring of NO₂ (nitrogen dioxide) SO₂ (sulphur dioxide) at the Font-y-Gary site
- Controls on dust, NO_x (mono-nitrogen oxides) and mercury emissions at the ash processing plant
- To add requirements to the licensee to measure ultrafine PFA (pulverised fuel ash) dust particles and the hazards arising from their fineness and their chemical constituents when inhaled or ingested.

The petition is dated 9th December 2007 (updated 20th January 2008) and consists of points raised in a submission made to the Environment Agency by Barry & Vale Friends of the Earth on 27th November 2007 in response to a consultation carried out under the Public Participation Directive on the draft Pollution Prevention and Control Permit for Aberthaw power station. The submission, including the points raised in the petition, was fully considered before the final PPC permit was issued to RWE npower, the power station Operator, on 21st December 2007. The details of the consultation submission and the Environment Agency's considerations (14 pages) can be provided in addition to this briefing note for completeness if required. Supporting information (Appendix 2) subsequently submitted by Barry & Vale Friends of the Earth seeks to criticise the Environment Agency's consultation processes. This and the issues raised specifically by the petition are covered in the following section.

Petition response by the Environment Agency

Consultation Processes

Environment Agency Wales recognised at an early stage that the PPC application for the power station, including the seawater flue gas desulphurisation process was likely to be of local interest and therefore undertook extended local consultation well beyond the statutory requirements of the regulations. The consultation consisted of articles written by the Environment Agency in local community newsletters, presentations by Agency officers at local community liaison meetings, an Agency funded "drop-in" public surgery and consultation on the draft permitting decision. These processes were in addition to the statutory advertisement of the application and the availability of all relevant documentation on the public registers at Local Authority and Environment Agency offices. The timing and extent of these consultations were necessarily constrained by statutory determination periods and legislative implementation deadlines set by EU Directives. However, every effort was made to provide information and feedback to Barry & Vale Friends of the Earth and the other interested parties in timely fashion. This was despite requests for information and submission of representations being made by Barry & Vale Friends of the Earth at the very end of consultation periods. Specific written responses were not necessarily made at each stage of consultation, but it was made clear that all representations received would be considered and that the considerations would be recorded in the draft decision record, which was itself consulted upon at the end of the determination period. These responses can be provided if required. The Environment Agency therefore refutes any claim that no response or consideration was

given to representations made by Barry & Vale Friends of the Earth in respect of the determination of the Aberthaw power station PPC permit application.

Review of SCR abatement technology for oxides of nitrogen by January 2009

The draft and the final version of the PPC permit does in fact contain a requirement for the power station Operator, RWE npower, to submit to the Environment Agency a review of nitrogen oxide emissions reduction by 31st October 2008. This is implemented through the improvement programme reference IC19 under permit condition 2.5.1. The Agency expects that this review will include consideration of SCR technology alongside the efficacy of the abatement measures proposed in the permit application. Therefore, we have already addressed this petition item in the permit.

Continued monitoring of nitrogen dioxide and sulphur dioxide at Font-y-Gary

The draft and the final version of the PPC permit contains a requirement for the power station Operator, RWE npower, to operate the power station in accordance with an Air Quality Management Plan as required by permit condition 3.8.2. Inherent in the implementation of such a plan is a requirement for ongoing measurement of nitrogen dioxide and sulphur dioxide in ambient air at the current Font-y-Gary monitoring. This monitoring will continue and the results made available through the public registers at least until there has been satisfactory demonstration by the monitoring data that detailed management of local air quality is no longer necessary as a result of fitting flue gas desulphurisation (FGD) to the power station. Therefore, we have already addressed this petition item in the permit.

Controls on dust, nitrogen oxides and mercury emissions from the ash processing plant

The draft and the final version of the PPC permit does in fact contain controls on dust emissions from all ash handling processes, including the proposed ash processing plant. These controls apply to both point source and fugitive emission sources and are implemented through permit conditions 3.1.2 and 3.3.1. There are no specific controls on the emissions of nitrogen oxides and mercury from the ash processing plant on the grounds that environmental assessment suggests that these emissions are insignificant. There will, however, be inherent control of mercury releases through the controls imposed upon dust emissions from the plant. This is because the low levels of mercury present in coal fly ash will be strongly associated with the ash particles and would be released with any dust. Therefore, we have already addressed this petition item in the permit.

Requirements to measure ultrafine pulverised fuel ash dust particles and their hazards

The draft and the final version of the PPC permit contains a requirement for the power station Operator, RWE npower, to submit to the Environment Agency a protocol using currently available scientific methods for measuring fine particle emissions from the power station by 31st October 2008. This is implemented through the improvement programme reference IC2 under permit condition 2.5.1. Ambient air monitoring of fine particles in the locality using current technology has been carried out by the Environment Agency and the power station Operator. This information is available on the public registers and shows that all current air quality objectives are met. The hazards associated with trace pollutants associated with ash particles, such as mercury, have been assessed during the determination of the application and no significant impacts have been identified. The technology for measurement and assessment of so-called "ultrafine" or "nano-scale" particles is not fully developed and the Environment Agency will address any potential risks identified when the scientific knowledge has advanced sufficiently to allow this. Therefore, we have already addressed this petition item in the permit.

Requirements to report on releases and abatement of mercury to air

The PPC application and the determination have considered impacts associated with mercury releases directly into the air and associated with ash and also measures available to minimise such releases. These measures are implemented through permit conditions requiring operation with flue gas desulphurisation (2.3.1) and by setting emission limit values for dust (3.1.2). No significant impacts were predicted. Furthermore, the implementation of flue gas desulphurisation (FGD) will result in reduced mercury emissions to air from the power station. However, this will result in transfer of some mercury to the Bristol Channel in the seawater discharged from the FGD process. The impacts of these emissions and measures available to minimise them have also been considered by the Environment Agency. Various limitations and requirements for further assessments have been set in the permit in order to control these releases. In addition, the Environment Agency Contract Monitoring for 2008 has already been extended to cover the measurement of Mercury from the station's main stack. The results of these measurements will be reported to the public registers as a matter of course. Therefore, we have already addressed this petition item in the permit.

A W Leakey
27/3/08

Appendix 1

Barry/Vale Friends of the Earth
Cyfeillion y Ddaear, y Barri a'r Fro
14 Robert Street, Barry CF63 3NX



Cyfeillion y Ddaear

Helen Brown
Committee Support Officer
Petitions Committee of the National Assembly.

20 January 2008

PETITION: Aberthaw Power Station ref. PET-03-093

Thank you for your letter of 8 January, saying the Petition is formally referred to the Assembly's Petitions committee, for initial consideration as soon as possible.

I enclose below a corrected version of the statement supplied in December on actions taken since 2004 to try and resolve our demands for tighter conditions on pollution from the Power Station.

As the main part of the petition says:
we ask for your help to get the EA to address weaknesses in its new (draft) licence as published in early November, confirmed late in December, and seek specific changes:

- on abating NO_x, bring forward the review of SCR technology to January 2009 instead of 2012
- continue monitoring of NO₂ and SO₂ at the Font-y-gary site, at least until the effect of changes due to the FGD and lower plume are clear
- for the ash processing plant, set controls on the dust, NO_x and mercury emissions
- on ultrafine PFA dust particles, add requirements on the licensee to measure the particles and the special hazards arising from their extreme fineness and their chemical constituents when inhaled or ingested.

On the first point it has recently been disclosed that the UK will overshoot its limit on NO_x from power stations set under the Large Combustion Plant Directive. Since CCW (the Countryside Council for Wales) is well-informed on this and has led arguments for SCR, we suggest that they as well as the Environment Agency be asked to give evidence to the Petitions Committee.

A further major weakness identified in the new license concerns emissions of mercury from the main process, accepted to be a problem of all large coal-fired plant. Conditions need adding to require the operators to report on environmental pathways for mercury released to air and in the ash, and on possible abatement measures.

We would be ready to attend a Committee meeting, to explain our concerns and answer questions, as well as submit documents, pictures and witness statements as appropriate.

Max Wallis <wallismk@cf.ac.uk>
Barry & Vale Friends of the Earth
Tel. 029 2021 0708 or 2087 6436

Encl. Sheet on *Supporting Information*

Appendix 2

Aberthaw Power Station Petition to the National Assembly: supporting information on prior involvement in the PPC consultations

Representations to the DTI (Power Stations Consents group, 9.1.04) over inadequate information with the FGD application, asking the DTI to ensure the Environmental Statement met the EIA Regulations and that all substantive issues are covered to ensure necessary IPPC conditions on waste, noise, energy efficiency etc. could be met. Nothing heard back – approved without meeting our objection.

Initial IPPC applications for UK power plants: central Friends of the Earth were consulted May/June 2006; they submitted a paper to the EA about what did/did not work in national NGOs getting access to documents that are located locally.

Notification from SE Wales EA of consultation on Aberthaw PPC in July 2006; this to use a new 'extended consultation' process. We contacted them by phone, seeking a public meeting and forwarded our 2004 objection to the DTI (apparently filed away).

EA-run 'surgery' in Rhooose 3rd Nov 2006. Attended to seek information and raise issues, but the officers attending were poorly briefed and did not have the full documents eg. on a laptop PC. They sent the Air Monitoring report missing from consultation documents on the EA website (6 Nov) - we asked them to chase others. Met/discussed with residents' group ADRA. Submitted detailed representations based on available application documents.

We obtained from SE Wales EA their report on the 'surgery' *Report on local RWE Npower consultation process*. We complained to them that this report was poor – being inaccurate and incomplete, and denigrating issues as "concerns". We asked them to ensure our issues were properly represented to the central permitting teams (Nottingham and Bristol), but received no answer.

Central Friends of the Earth's representations raised national level issues: SCR to be required (BAT) for NOx abatement, energy efficiency to be a criterion, not viewed as voluntary and covered by carbon trading, plus comments on the role of indicative BAT standards and the relationship IPPC/EQSS. That response was informed by FOE's involvement for the European Environmental Bureau at European level in drafting the BREF guidance for power stations.

We asked the central permitting of the EA (at Bristol, early December) to supply further documents not on the website and not disclosed at surgery. They supplied the EA's Sched 4 demand of 26 July and the applicants' responses on CD; the responses were still incomplete, yet the consultation end-date had passed. We wrote (22 Dec. 2006) regarding a refusal to give feedback on the issues raised in our reps (as under the Cabinet office consultation Code) and on the need to assess the ES for adequacy under the EIA Directive.

Letters of complaint exchanged Jan-March 2006 with the SE Wales EA over their 'Surgery' report underplaying and misrepresenting our evidence and issues raised. The series of letters were mainly aimed at the permitting team over the parallel PPC application for PFA ash to be dumped in Aberthaw Quarry; there was no positive outcome despite our showing they had not followed the EA's own guidance.

Meeting with residents' group, April 2007; we wrote reminding SE Wales EA of the severe noise/ nuisance to residents from the coal trains supplying the power station, saying this should have been included in the Environmental assessment and asking them to ensure the issue is covered (no response).

Central Friends of the Earth responded (July 2007) to the *Habitats Directive Consultation, ESI Industry* overall, including Aberthaw, supporting with extra evidence the Natural England and Countryside Council for Wales objections to the EA conclusions on NOx and Habitats Directive sites (the EA concluded NOx reductions between 2010 and 2018 or 2020 render nitrogen deposition from coal- and oil-fired power stations trivial *and* having no adverse effect on the integrity of Habitats Directive sites). Friends of the Earth considered that the Agency could not reach that conclusion on the basis of the evidence available and the approach required to be taken under the Habitats Directive.

Objection to the draft Decision Document of Nov 2007: we sought e-copies but failed to get full information on the added Ash Plant, then submitted (27 Nov 07) detailed representations to the SE Wales EA as *Objection to the PPC determination over Aberthaw Power Station RP3133LD*. This re-stated the July objections on Habitats Regs compliance and pressed other issues as summarised in the Petition.

-----Barry & Vale Friends of the Earth, 12 Dec. 2007 (amended 20 January 2008)

