

## Compliance Assessment Report CAR\_NRW0039706

**Permit being assessed:** BU0800IZ.

For: Llanddulas Landfill EPR/BU0800IZ, held by 3C Waste Limited

At: LLANDDULAS QUARRY ABERGELE ROAD , LLANDDULAS, ABERGELE,  
ABERGELE, LL22 8HP.

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

On 12/04/2022.

Parts of permit assessed: 4. Information and Reporting

**NRW Lead Officer:** Anthony Roberts.

**Report sent to:** Phil Birchall, Environment Manager on 13/04/2022.

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

| Part of permitted activity assessed (criteria)                                                                 | Assessment result | Permit condition |
|----------------------------------------------------------------------------------------------------------------|-------------------|------------------|
| 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

**Llanddulas Landfill Site Annual Monitoring Review (AMR)**

**February 2021 to January 2022 inclusive**

The AMR was submitted to NRW as it is an annual permit requirement under the following condition:

**4.2.1** *A report or reports on the performance of the activities over the previous year shall be submitted to the Agency by 31 January (or other date agreed in writing by the Agency) each year.*

**NRW have reviewed the AMR and make the following comments. Please respond in accordance with requirements where necessary:**

**2.10.3** The operator shall carry out and record a review of the site closure plan at least every 4 years.

***Please confirm that this is a post Landfill Directive (Article 13) requirement and does not apply to the areas of the site which are capped and 'closed'.***

**2.11 Site protection and monitoring programme**

**2.11.1** The operator shall within 6 months of the issue of this Variation submit a Site Protection and Monitoring Programme.

***Please confirm that this document was issued, and the original issue requires no revisions as below:***

**2.11.2** The operator shall implement and maintain the Site Protection and Monitoring Programme in relation to all areas which will not comprise permanent deposits of waste and shall carry out and record a review of it at least every 4 years commencing from the date the Site Protection and Monitoring Programme was received.

***Has this plan been revised in accordance with the permit?***

**Landfill Gas**

2.1 During a power outage to the gas utilisation plant in December, several breaches of methane were detected along the perimeter boreholes at site, illustrated below. The power outage occurred on the 7th December 2021 at 11.20am, with extraction resumed at 3.05pm the same day. CAR form CAR\_NRW0039400 refers, and a response is due with NRW by 18/03/22 with several updates to be included, such as a revised gas management plan and also a complete reset of the FCC exceedance trigger program to ensure any such further breaches are notified immediately. All readings taken since 26th January have been in compliance. There were no further breaches of methane in this or any other borehole throughout the review period.

To summarise, it is apparent the NE flank of site is still very susceptible to gas migration should a GUP outage occur. Actions and preventative measures being put in place will be documented to NRW in response to the above CAR form.

In December 2021 as power outage to the GUP resulted in multiple breaches recorded at several perimeter boreholes in both December 2021 and January 2022. A response to the related CAR form will be sent to NRW within the timescales specified therein

The trigger limit for methane is 1% (action limit of 0.5%), with the exception being 2.5% in borehole BH40

which has an action limit of 1.5%. Specific actions to be taken if the limits are breached are detailed in the latest version of the site Landfill Gas Management Plan. This plan is due to be updated in March 2022, a copy of which will be sent to NRW for comment.

***These documents have now been submitted and all revisions and responses to CAR form CAR\_NRW0039400 have been received. The breaches highlighted and actions required have now been complied with and remediation measures have been agreed with NRW and actioned by FCC.***

### **Flaring**

The flares ran for greater than 10% of the review period, but testing was not completed. This testing was scheduled for February but was abandoned due to storm conditions. FCC are waiting on Infinis to provide the testing data as soon as possible.

***Flare results have now been submitted and accepted by NRW.***

***Please explain why the flare was running for greater than 10% of the year therefore triggering this requirement.***

### **HRA**

A revised HRA was submitted to NRW in January 2020 which proposed several analysis suite changes and frequency changes to both groundwater and leachate monitoring. FCC are awaiting further comment from NRW, but until such a time monitoring shall continue as per the current schedule. On the back of the HRA, a revised permit application has been submitted early 2022.

***Internal and external consultations NRW Operations are complete and permitting are now processing the variation request***

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](mailto: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](mailto: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.