

Compliance Assessment Report

Report ID:
CAR_NRW0034202

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

Site	Pwllfawatkin Landfill Site EPR/BU8819IV	Permit Ref	BU8819IV			
Operator/Permit holder	FCC Waste Services (UK) Limited					
Regime	Installations					
Date of assessment	30/09/2018	Time in	N/A	Out	N/A	
Assessment type	Check Monitoring/Sampling					
Parts of the permit assessed	3.6.1 Ground water emission monitoring - Bh1B ammonical Nitrogen					
Lead officer's name	Thomas, Ffion					
Accompanied by						
Recipient's name/position	Richard Thomas/ Site Manager	Date issued	12/11/2018			

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
E2 - Emissions - Land and groundwater	C3 - Suspended	3.6.1 table S4.4

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

Amended to suspend score following further info and discussion with the operator.

This Compliance Assessment Report (CAR) form has been completed following receipt of a schedule 6 notification (and email) for Ground Water monitoring limit breaches during Q3 (July – Sept)

Relevant Permit conditions state:

3.6 Monitoring

3.6.1 The operator shall, unless otherwise agreed in writing by the Agency, undertake the monitoring specified in the following tables in schedule 4 to this permit:

- (a) Leachate specified in tables S4.1 and S4.8;
- (b) Point source emissions specified in tables S4.2 and S4.3;
- (c) Groundwater specified in tables S4.4 and S4.10;
- (d) Landfill gas specified in tables S4.5, S4.6 and S4.7; and
- (e) Surface water specified in table S4.9

Table S4.4 (edited to include relevant sections to the S6 received)

Table S4.4 Trigger levels for emissions into groundwater and monitoring

Monitoring point reference	Parameter	Limit (including unit)	Monitoring frequency	Reference Period	Monitoring standard or method
WBH11B, WBH12B	Ammoniacal Nitrogen	1mg/l (11B) 1.8mg/l (12B)	Monthly		

(ammonical nitrogen limits approved via IC12 dated 11 July 2013)

4.3.1 The Agency shall be notified without delay following the detection of:

- (a) any malfunction, breakdown or failure of equipment or techniques, accident, or fugitive emission which has caused, is causing or may cause significant pollution;
- (b) the breach of a limit specified in the permit;
- (c) any significant adverse environmental effects.

4.3.2 Any information provided under condition 4.3.1 shall be confirmed by sending the information listed in schedule 6 to this permit within the time period specified in that schedule

Compliance Assessment:

Schedule 6 part A notification was received via email on 11/10/218, as per condition 4.3.1 and 4.3.2, detailing an ammonical nitrogen emission breach for BH11B sampled on the 25th September 2018.

The notification included breaches of phenol at BH18 but results of resampling taking place in October is awaited before completing assessment.

Background;

During 2018 bore hole 11B has recorded breaches for Ammonical Nitrogen monthly since March. Breaches have been assessed and scored under CAR_NRW033658 and CAR_NRW0033659

FCC have suggested wishing to apply to vary this limit but to date no application or further discussion has been forwarded.

Consolidation and Breach scoring;

NRW follow the CCS guidance document when assessing permit compliance. In relation to self-reporting of monitoring limit exceedance then non-compliances must be scored. However, consolidation is undertaken to increase the level of operator consistency. NRW date the non-compliances as if it took place on the last day of the reporting period. We enter 1 non-compliance for each limit value that is breached during the quarter, regardless of reporting periods. We define quarters as Jan-Mar, Apr- Jun, Jul-Sept, Oct-Dec.

In the period July -September exceedance at BH 11B for Ammonical nitrogen emission limit level was recorded (results of 1.7mg/l Jul, 1.5mg/l Aug, 1.2mg/l Sep) against a permit limit of 1.0mg/l

A breach of condition 3.6.1, table S4.4 for ammonical nitrogen at BH11B has been recorded and score suspended. The score can be suspended for 6 months. The decision to suspend the score was taken in conversation with FCC. An investigation into this boreholes continued minor breaches is to be undertaken as part of the HRA updated information submission and in the annual report. The operator will undertake assessment and review work to submit proposed increased limit. The annual report is considered by the regulatory officer to be the equivalent of an action plan as required under suspending score guidance. Any increased limit proposals will be reviewed with NRW's geoscience team prior to any agreements to increasing limit.

A non-compliance of 1 x CCS Cat 3 has been recorded on this CAR form for breaches in Q3 (ends 30 September 2018) the score will be consolidated as per guidance and the score has been suspended.

Action FCC

Continue re-sampling/ monthly monitoring as per permit and review trends. FCC to review emission and if operator wish, apply to vary permit limit.

Reminder that completing part A and B of schedule 6 is required and has historically been done.

EPR Compliance Assessment Report

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Operator/Permit holder	FCC Waste Services (UK) Limited	Date	30/09/2018

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
E2	C3	Continue re-sampling/ monthly monitoring as per permit and review trends. FCC to review emission and if operator wish, apply to vary permit limit	31/10/2018

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.