

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

Site	Tir John Phase 2 Landfill	Permit Ref	VP3935AT
Operator/Permit holder	ENOVERT South Limited		
Regime	Installations		
Date of assessment	7 th November 2018		
Assessment type	Inspection		
Parts of the permit assessed	See section 2		
Lead officer's name	Neil Herbert	Accompanied by	N/A
Recipient's name/position	Lance Jones & Ian Craven	Date issued	15 th November 2018

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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
A1 - Specified by permit	3	2.4.1.
B1 - Infrastructure - Engineering for prevention and control of emissions	N	
B2 - Infrastructure - Closure and decommissioning	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	N	
B4 - Infrastructure - Containment of stored materials	N	
B4 - Infrastructure – Plant and equipment	N	
C1 - General Management - Staff competency/training	N	
C2 - General Management - Management system and operating procedures	N	
C3 - General Management - Materials acceptance	N	
C4 - General Management - Storage, handling labelling, labelling and Segregation	N	
D1 - Incident Management - Site security	N	
D2 - Incident Management - accidents, emergency and incident planning	N	
E1 - Emissions - Air	N	
E2 - Emissions - Land and groundwater	N	
E3 - Emissions - Surface water	N	
E4 - Emissions - Sewer	N	
E5 - Emissions - Waste	N	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	N	
F3 - Amenity - Dust/ fibres/ particulates/ litter	N	
F4 - Amenity - Pests/birds/scavengers	N	
F5 - Amenity - Deposits on road	N	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	N	
G3 - Monitoring and Records, Maintenance and Reporting - Maintenance records	N	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	N	
H1 - Resource Efficiency - Efficient use of raw materials	N	
H2 - Resource Efficiency - Energy efficiency	N	

KEY: See Section 4 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **N** = Not Assessed

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	4
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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:

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|--|---|
| <ul style="list-style-type: none">➤ The part(s) of the permit that were assessed (e.g. 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 | <ul style="list-style-type: none">➤ Information on the compliance score accrued including:<ul style="list-style-type: none">○ details of advice given;○ any other areas of concern;○ any actions requested;○ any examples of good practice;○ a reference to photos taken. |
|--|---|

Meeting to primarily discuss the recent monitoring failures identified by NRW and to inspect elements of the capping works at the phase 2 site.

Present at the meeting: Lance Jones, Ian Craven (ENOVERT) and Neil Herbert (NRW).

Enforcement Notice – capping of phase 2 landfill

On the 22nd July 2018 NRW re-issued an enforcement notice to complete the capping of two district areas of the phase 2 landfill. These two areas were designated:

- "Phase 5, Temporary Capping Zone" which covered the eastern flanks of cells 6, 7, 8 & 9¹;
- "Phase 3" capping area which covered the northern flank of cell 15.

During this visit the operator confirmed that the areas have now been capped and confining soils placed and that they have complied with the notice. We can therefore consider that the notice has now been discharged.

A CQA validation report for the capping works will be submitted shortly, on completion of the remaining engineering works also underway at the site. **Action:** Submit CQA validation report for capping works on completion of current engineering works.

Monitoring and update meeting

Monitoring

- At the meeting we discussed at length the need to see a significant improvement with adhering to the permit's monitoring requirements and ensuring data is submitted to the appropriate deadlines. **Action:** Enovert to submit a detailed written response explaining the recent failures (specifically commenting on the questions raised in the last CAR report). The submission should also set out the measures now put in place to ensure future compliance.
- The monitoring report for quarter 3 has not been submitted to the October deadline. **Action:** operator to submit missing report (note: the report was received during the writing of this report).
- The following information² from the 2017 annual monitoring also remain outstanding:
 - 2017 Landfill Gas surface emissions survey for the phase 2 capped site
 - There are no labels on the contours for the 2017 topographical drawing submitted in the report, please send the complete drawing with contour labels showing the height elevation.
 - Settlement Assessment for the operational landfill in 2017 (i.e. drawing showing the extent of settlement across the landfill over 2017). **Action:** submit missing information.
- Operator were also reminded again that they should be monitoring the IPDS, PCS and under- cell (16) gas points (see also CAR dated February 2018). **Action**

Improvement Condition 15 – historical waste containment

- In February 2018 Enovert sought an extension to the deadline for this improvement condition (to 30th November 2018). However, in this meeting we were informed that work has yet to commence on this review and the operator cannot comply with this deadline. This is a compliance breach and a ccs score has been attributed for this further failure (see over).
- During the meeting it was agreed that the operator will now need to seek a minor variation to formally extend this deadline. This needs to be submitted in the next four weeks. **Action.**

¹ Only a small area of cell 9 requires capping.

² Email dated: 11 September 2018

Note: application forms have already been sent to the operator.

Compliance: The continued failure to comply with the deadline for improvement condition 15 is considered a breach of condition 2.4.1, a CCS score of 3 has been allocated against the a1 compliance heading.

Improvement Condition 19 A/B – leachate collection drains and wells

- During the meeting there was some discussion over the installation of the leachate wells and drains in cell 6,7 & 8 (as specified by these improvement conditions). There is some scope to re-word these conditions so that their installation is only required in the event of the development of cell 17, however the operator will need to apply to vary this if they want to take this option. As the operator is proposing to submit a minor variation for IC15 then this can be captured as part of this application. This is on the proviso the application is submitted within the next four weeks, if this is not the case the wells will need to be installed this year as part of the cell 16 works.
- Irrespective of the above-mentioned areas, a new leachate well and stone drain will be installed (as per IC19A and B) in cell 9 as part of this year's cell 16 construction work. Ian Craven sought views on changes to the proposed design for this cell's (9) well, from a telescopic design to a concrete chamber. NH stated that in principle this would be acceptable provided the revision is submitted (and accepted) as a CQA plan addendum.

Leachate Level compliance

- The operator has failed to implement the current action plan and the leachate infrastructure has yet to be connected (new pumps etc.). Enovert will update the action plan with new deadlines and send to NRW shortly. **Action**
- The operator will also check their current leachate infrastructure arrangements to ensure that every cell is provided with the requisite monitoring and extraction wells. **Action**.
- Compliance implications will be considered when the leachate level data for Q3 is assessed.

Settlement and unsaturated zone monitoring

- The operator were reminded to ensure that the 2018 annual report (and every annual report thereafter) includes an assessment of the settlement and piezometric data against the assumptions in the site's risk assessments. **Action**
- We were informed in the meeting that one of the control panels was flooded earlier in the year and some data was lost. This should have been reported and Enovert have now been tasked to provide a notification into the cause, scope and actions taken in regard to this failure. **Action**

New Groundwater wells – PCS

- LJ stated that the new wells proposed around the PCS have been installed and are being monitored.
- **Action:** Enovert to submit CQA validation reports (and as built drawing) of the new groundwater wells.

Gas Wells

- New gas wells were installed earlier in the year by *Infinis* and the CQA validation report for these wells needs to be submitted with an as-built drawing showing the updated landfill gas collection system for the entire site. **Action**

CQA report – cell 16 platform

- The CQA validation report for the cell 16 platform has been submitted and NRW have sought further information. Further comment is awaited from the operator.

CQA report – cell 16

- The operator provided an update on progress. They will hopefully submit a partial submission of the CQA report for cell 16 construction in the next few weeks.

HRA review

- This report has been submitted and is presently being assessed by NRW's hydrogeologists.

End of section 2

Compliance Assessment Report

Report ID:
CAR_NRW0034225

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

Site	Tir John Phase 2 Landfill	Permit Ref	VP3935AT
Operator/Permit holder	ENOVERT South Limited - (previously: Cory Environmental (Gloucestershire) Limited)	Date	7 th November 2018

Section 3 – Enforcement Response

Only one box should be ticked

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.

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

x

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			
a1	3	Submit application to vary conditions IC15 (and IC 19).	12 th December 2018
Other actions			
		Submit written response to the issues and questions raised in compliance assessment report dated 18th September 2018.	Overdue
		Submit missing information from the 2017 annual report, as set out in NRW email dated 11th September 2018.	Overdue
		Update leachate action plan and leachate well coverage assessment and submit report to NRW.	23rd November 2018
		Ensure all monitoring points e.g. IDPS, PCS sumps, boreholes and gas wells are monitored in accordance with the permit and to the frequencies specified.	Overdue
		Ensure that any new monitoring infrastructure is added to the site's monitoring programme as soon as installation completed.	Ongoing
		Ensure all data is assessed in the 2018 annual interpretation report including settlement monitoring data and sub-cell groundwater level data.	31 st January 2019
		Provide notification and report into 2018 settlement and piezometric data loss including cause of failure and steps taken since to mitigate.	Overdue
		CQA validation report for new groundwater wells including as-built drawing showing locations.	12 th December 2018 unless otherwise agreed with NRW.
		CQA validation report for new gas wells including as-built drawing showing landfill gas (management) infrastructure in phase 2.	12 th December 2018
		Operator will need to submit the CQA Validation Report for the capping works on completion of engineering works.	On completion of engineering works
		Submit Q3 (2018) monitoring report.	Completed - Submitted whilst this report being compiled.

If you require any clarification with any of these actions, please contact NRW immediately to discuss.

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	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 (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 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 reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty 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.