

Compliance Assessment Report

Report ID: CAR_NRW0033935

Correction 17/12/2018

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	Cory Environmental (Gloucestershire) Limited		
Regime	Installations		
Date	18 th September 2018		
Assessment type	Report/ Data Review		
Parts of the permit assessed	Q1 & Q2 Monitoring Reports (2018) - Correction 17/12/2018		
Lead officer's name	Neil Herbert	Accompanied by	N/A
Recipient's name/position	Lance Jones & Anna Hamilton	Date issued	18 th September 2018 – re-issued

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	2.8.1 & 3.1.2 x2
B1 - Infrastructure - Engineering for prevention and control of emissions	N	
B2 - Infrastructure - Closure and decommissioning	N	
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	3	3.1.5 & 3.1.2
E3 - Emissions - Surface water	A	
E4 - Emissions - Sewer	N	
E5 - Emissions - Waste	N	
F1 - Amenity - Odour	N	
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	3 (x4) 4	3.5.1(d) x2, 3.5.1(a) x2 3.5.1(e)
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	4	4.2.2a
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	7	Total compliance score (see section 5 for scoring scheme)	24.2
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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 (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
- Information on the compliance score accrued including:
 - details of advice given;
 - any other areas of concern;
 - any actions requested;
 - any examples of good practice;
 - a reference to photos taken.

Quarterly Monitoring Report - Q1 (Jan – March 2018)

Please find attached comments and observations on aspects of the above submitted reports:

Reporting Deadline

The Q1 quarterly reporting deadline for this permit is 30th April 2018. However, the operator informed us of a delay due to issues with one of the laboratories undertaking the analysis. Nonetheless a partial submission was made on the 11th May. However, a revised submission was only received on the 30th July 2018, which still had data missing.

Compliance:

The late submission of the Q1 results are a breach of condition 4.2.2a) of the permit. A compliance classification score (ccs) of 4 will be allocated against the g4 compliance heading.

Action: Ensure all reports are complete and submitted to the frequency specified in the permit.

Groundwater Q1

- There are no results submitted for the January to March monitoring period. Due to staff shortages some of the wells were not sampled until April. The operator has also since reported that the remaining wells weren't sampled at all as they were "inaccessible".
- **Action:** Clarify reason why 15 groundwater wells, surrounding the site at multiple locations were all "inaccessible"
- There are no results available for the groundwater monitoring points which have specified emission limits, therefore we have been unable to assess these.
- The following quarterly parameters, for those wells that were sampled, were missing:
 - Tributylphosphate

The failure to undertake the Q1 monitoring of groundwater to the monitoring periods and for the parameters set in the permit is considered a breach of condition 3.5.1 (d) of the permit. A ccs score of 3 has been attributed to these failures (against the g1 compliance heading).

Action: All groundwater monitoring points specified in the permit must be sampled at the frequency specified in the permit and analysed for the parameters set in the permit.

Surface Water Q1

- There are no results submitted for the March monitoring period. Due to staff shortages some of the surface water monitoring point were not monitored in March 2018.
- Based on the results that were submitted, the discharges from the SW1 emission point were compliant with the site's permitted emission limits.
- The following parameter was missing from the submission:
 - Flow Data

Action: please submit the missing flow data.

Action: All surface water monitoring points specified in the permit must be sampled at the frequency specified in the permit and analysed for the parameters set in the permit.

The failure to undertake/submit the Q1 monitoring of surface water to the monitoring periods and for the parameters set in the permit is considered a breach of condition 3.5.1 (e) of the permit. A compliance score of 4 has been attributed to this failure (against the g1 compliance heading).

Leachate Levels Q1

- Leachate Level monitoring was not undertaken in January or March, to the frequencies specified in the permit. The failure to undertake the Q1 monitoring of leachate levels to the monitoring periods set in the permit is considered a breach of condition 3.5.1 (a) of the permit. A compliance score of 3 has been attributed to this failure (against the g1 compliance heading).
- Leachate Levels were exceeded at the following locations during the Q1 monitoring period (either for all monitoring dates or part thereof).

Monitoring Point	Date of detection of breach
LEW06	12/01/2018
LEW06	05/02/2018
LEW06	16/03/2018
LEW07	12/01/2018
LEW07	05/02/2018
LEW07	16/03/2018
LEW09a	12/01/2018
LEW09a	05/02/2018
LEW09a	24/02/2018
LEW09a	16/03/2018
LEW12a	12/01/2018
LEW12a	05/02/2018
LEW12a	24/02/2018
LEW12a	16/03/2018
LEW14a	12/01/2018
LEW14a	05/02/2018
LEW14a	24/02/2018
LEW14a	16/03/2018
LEW15	12/01/2018
LEW15	05/02/2018
LEW15	24/02/2018
LEW15	16/03/2018
LEW20	12/01/2018
LEW20	05/02/2018
LEW20	16/03/2018
LEW21	12/01/2018
LEW21	05/02/2018
LEW21	24/02/2018
LEW21	16/03/2018
LEW22	12/01/2018
LEW22	05/02/2018
LEW22	24/02/2018
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LEW24	12/01/2018
LEW24	05/02/2018
LEW24	24/02/2018
LEW24	16/03/2018
LEW25	12/01/2018
LEW25	05/02/2018
LEW25	24/02/2018
LEW25	16/03/2018
LEW27	12/01/2018
LEW27	05/02/2018
LEW27	24/02/2018
LEW27	16/03/2018
LEW28	12/01/2018
LEW28	05/02/2018

Monitoring Point	Date of detection of breach
LEW28	24/02/2018
LEW29	12/01/2018
LEW29	05/02/2018
LEW29	24/02/2018
LEW29	16/03/2018
LEW30	12/01/2018
LEW30	05/02/2018
LEW30	24/02/2018
LEW30	16/03/2018
LEW31	12/01/2018
LEW31	05/02/2018
LEW31	24/02/2018
LEW31	16/03/2018
LEW32	12/01/2018
LEW32	05/02/2018
LEW32	24/02/2018
LEW32	16/03/2018

Compliance

The failure to maintain leachate levels (during the Q1 monitoring period) in accordance with the limits set in the permit are a breach of conditions 2.8.1 and 3.1.2 of your permit. Compliance classification scores (ccs) of 3 will be allocated against the a1 compliance heading.

NOTE: In accordance with ccs scoring guidance the reported permit breaches applicable to these points have been consolidated into one score, covering the **Q1** reporting period i.e.

- one ccs score of 3 will be allocated to the breaches that occurred at these points over the January to March (2018) reporting period.

Action: the operator has an action plan to address this matter and this needs to be implemented as a matter of urgency

Perimeter Landfill Gas – Q1

- Well 13 is showing very high suction pressure. What is the cause of this influence as the nearest gas extraction well is over 100m?. **Action:**
- No results were submitted for March 2018.
Action: All landfill gas perimeter monitoring points specified in the permit must be sampled at the frequency specified in the permit and analysed for the parameters set in the permit.
- The remaining results indicate that they were below the site's established control levels for methane.

Quarterly Monitoring Report – Q2 (Apr – Jun 2018)

Please find attached comments and observations on aspects of the above submitted reports:

Reporting Deadline

The Q2 quarterly reporting deadline for this permit is 31st July 2018. An incomplete submission was made on the 30th July.

Groundwater Q2

- There are no results submitted for the April to June monitoring period for the following monitoring locations: TIR GDW01(D); TIR GDW01(S); TIR GDW02(D); TIR GDW02(S); TIR GDW03(D); TIR GDW03(S).
- The revised submission from the operator indicates that these wells were "inaccessible". This is the second quarter where designated monitoring points have been recorded as "inaccessible" and this will need further clarification. **Action**
- The following quarterly parameters, for those wells that were sampled, were missing:
 - Quarterly Tributylphosphate
 - 6 Monthly 2,3,6- trichlorophenol,
 - 6 Monthly 1,3,5-trichlorophenol,
 - 6 Monthly Phenol (monohydric),
 - 6 Monthly Triphenylphosphate,
 - Depth
- The failure to undertake the Q2 monitoring of groundwater to the monitoring periods and for the parameters set in the permit is considered a breach of condition 3.5.1 (d) of the permit. A compliance score of 3 has been attributed to this failure (against the g1 compliance heading).
- The following emission limits were exceeded on the following date 9th May 2018:
 - the limit (5mg/l) for ammoniacal nitrogen at the GDW18 monitoring point was exceeded. The result was reported as 23 mg/l.
 - the limit (0.05 mg/l) for Orthophosphate was exceeded at GDW09. Result was reported as 0.42 mg/l.
 - the limit (0.05 mg/l) for dichloroprop was exceeded at multiple locations. Result was reported

to be between 0.39 – 0.85 mg/l.

The breaches in groundwater emission limits are a breach of condition 3.1.5 & 3.1.2 of your permit. Compliance classification score (ccs) of 3 will be allocated against the e2 compliance heading.

NOTE: In accordance with ccs scoring guidance the reported permit breaches applicable to these exceedances have been consolidated into one score, covering the **Q2** reporting period i.e.

- one ccs score of 3 will be allocated to the breaches noted above over the q2 monitoring period

Action: The operator needs to undertake a re-sampling exercise in accordance with the site's procedures. The elevated levels at point 18 may also be linked to a related spike in the nearby surface water point (SW4). This will need further consideration.

NOTE: The seven-year HRA review has recently been submitted and will consider groundwater quality issues in greater detail.

Leachate Levels Q2

- Leachate Levels were exceeded at the following locations during the Q2 monitoring period (either for all monitoring dates or part thereof).

Monitoring Point	Date of detection of breach
LEW06	04/04/2018
LEW06	20/04/2018
LEW06	10/05/2018
LEW06	30/05/2018
LEW06	14/06/2018
LEW06	28/06/2018
LEW07	04/04/2018
LEW07	20/04/2018
LEW12a	28/06/2018
LEW14a	04/04/2018
LEW14a	20/04/2018
LEW21	28/06/2018
LEW22	04/04/2018
LEW22	20/04/2018
LEW22	10/05/2018
LEW22	30/05/2018
LEW22	14/06/2018
LEW24	28/06/2018
LEW25	04/04/2018
LEW25	20/04/2018
LEW25	10/05/2018
LEW25	30/05/2018
LEW25	14/06/2018
LEW25	28/06/2018
LEW27	04/04/2018
LEW27	20/04/2018

Monitoring Point	Date of detection of breach
LEW27	10/05/2018
LEW27	30/05/2018
LEW27	14/06/2018
LEW29	10/05/2018
LEW29	30/05/2018
LEW29	14/06/2018
LEW29	28/06/2018
LEW30	04/04/2018
LEW30	20/04/2018
LEW30	10/05/2018
LEW30	30/05/2018
LEW30	14/06/2018
LEW30	28/06/2018
LEW31	04/04/2018
LEW31	20/04/2018
LEW31	10/05/2018
LEW31	30/05/2018
LEW31	14/06/2018
LEW31	28/06/2018
LEW32	04/04/2018
LEW32	20/04/2018
LEW32	10/05/2018
LEW32	30/05/2018
LEW32	14/06/2018
LEW32	28/06/2018

Compliance

The failure to maintain leachate levels (during the q1 monitoring period) in accordance with the limits set in the permit are a breach of condition 2.8.1 of your permit. A compliance classification scores (ccs) of 3 will be

allocated against the a1 compliance heading.

NOTE: In accordance with ccs scoring guidance the reported permit breaches applicable to these points have been consolidated into one score, covering the **Q2** reporting period i.e.

- one ccs score of 3 will be allocated to the breaches that occurred at these points over the April to June (2018) reporting period.

Surface Water Q2

- There were no results submitted for the April in the Q2 report.
- The Q2 report included results for the annual suite.
- SW4 shows elevated levels of Ammoniacal N (that may correspond to the elevated levels seen in the BH18 result) which warrants further investigation.
- The following parameters were also missing from the Q2 submission:
 - Flow Data
- Based on the results submitted the discharges from the SW1 emission point were compliant with the site's permitted emission limits.

Leachate Chemistry – Q2 (includes six monthly monitoring Jan to Jun)

- Samples were not taken from the following points:
 - LEW9A due to a problem with a bailer. This has been raised previously even though the well has been successfully sampled in the past. If this well cannot be sampled then an alternative well will need to be identified or a new well installed. **Action**
 - LEW5 has been identified as "inaccessible". Please provide more detail on this please (i.e. how and why it was "inaccessible"). **Action**
 - LEW31 was not sampled on the 13th of June as the operative stated the well was too high. However the following day the same well was dipped by the operator. Samplers must be provided with a safe means of access at all times. **Action**
- The following six-monthly determinand (specified in Table S3.8) was missing from the submission:
 - Cis-1,2-dichloroethene

Note: In December 2018 the operator was able to locate the results for this missing determinand. It appears that it had been analysed by the laboratory but not reported. The operator has since implemented improved measures which will be discussed in more detail in the assessment of the Q3 submission, due shortly.

- The failure to undertake the Q2 monitoring of leachate chemistry over the monitoring periods set in the permit is considered a breach of condition 3.5.1 (a) of the permit. A compliance score of 3 has been attributed to these failures (against the g1 compliance heading).
- Several of the results reported in the Q2 submission are outside the modelled parameters of your approved risk assessment. These locations need to be resampled again in accordance with your site procedures and the parameters analysed. These results will then need to be considered in your next annual monitoring review (condition 4.2.2a).

Perimeter Gas – Q2

- As noted in Q1, well 13 is showing very high suction pressure. What is the cause of this influence as the nearest gas extraction well is over 100m? **Action**
- The results indicate that they were below the site's established control levels for methane.

General Comment

- It should be noted that NRW have repeatedly recommended that the operator undertake a review of the existing monitoring schedule set out in this permit to consider the continued suitability of some of the parameters and the review the suitability frequency of the some of the monitoring. The proposals from this review should in turn be submitted as part of a permit variation application to determine

whether any proposed changes can be implemented in the permit. As part of this application the operator should could also consider a review some of the groundwater emission limits.

End of section 2

Compliance Assessment Report

Report ID: CAR_NRW0033935
Correction 17/12/2018

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	Cory Environmental (Gloucestershire)	Date	18 th September 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.

x

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

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			
G4	4	Ensure all reports are completed and submitted to the frequency specified in the permit.	Immediate
G1	3	Provide reason why multiple groundwater wells, surrounding the site at multiple locations were all "inaccessible" during the Q1 and Q2 period.	Within 14 days of the issue of this report
		All monitoring points specified in the permit must be sampled at the frequency specified in the permit and analysed for the parameters set in the permit.	immediate
		Submit the missing flow data.	Within 14 days of the issue of this
A1	3	Implement agreed leachate action plan	Overdue
E2	3	The operator needs to undertake a re-sampling exercise for the GW failures in accordance with the site's procedures.	In accordance with approved site procedures
		Operator to clarify why gas well 13 is showing very high suction pressure.	Within 14 days of the issue of this report

If you are unable to meet these deadlines please contact your inspector immediately to discuss the possibility of extensions.

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 (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.