

Compliance Assessment Report

Report ID:
CAR_NRW0026779

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

Site	Nantycaws Landfill EPR/CP3735PB	Permit Ref	CP3735PB		
Operator/Permit holder	CWM Environmental Ltd				
Regime	Installations				
Date of assessment	08/12/2016	Time in	09:00	Out	17:00
Assessment type	Audit				
Parts of the permit assessed	1.1.1, 1.2, 2.2.3, 2.2.4, 2.2.5, 2.2.6, 2.2.7, 2.10, 2.10.13				
Lead officer's name	Taylor, Richard				
Accompanied by					
Recipient's name/position	Sean Gallagher/ Director	Date issued	21/12/2016		

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	schedule 2
	C3	Schedule 2
	C3	Schedule 2

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	3	Total compliance score (see section 5 for scoring scheme)	12
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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

Nantycaws landfill site permit number CP3735PB. The purpose of this scheduled site inspection was for the NRW Officer to view all site boreholes.

1. Business Update.

At the visit, the landfill was only accepting waste intermittently. Temporary soil cover was seen on the tour weighed down by 1 tonne piles of earth to weigh the sheeting down at regular intervals. No birds or vermin were seen at this site. No distinct odour was detected which could be directly discernible from the landfill site. Note, there was an odour from the neighbouring Turkey farm (Coed Farm) experienced at the Western flank of the site. Although not particularly unpleasant in the opinion of the NRW Officer present, it was noted that this odour could be mistaken for site produced odour by members of the public and will be borne in mind at future odour complaints against this site.

2. Site tour.

Himalayan Balsam was seen in vicinity of NACW212 on the Western flank of the site. At present this is a small manageable area atop a steep man made slope edging the landfill. Care needs to be taken by site to control this invasive species so that so that it is contained from spreading, and do not breach the law under section 9 of the Wildlife and Country side act 1981. Note. NRW does not have direct jurisdiction over invasive species management. In Wales, the authority is the Police force accompanied by a Wildlife and countryside Officer. However, invasive species can damage the infrastructure of the site, and leave the site liable to prosecution if not controlled. Site should be aware of their responsibilities under the act; <http://www.legislation.gov.uk/ukpga/1981/69>

It is recommended that hand pulling or strimming of the fully grown plants should take place just before the seeds grow (approximately June). Plants should be spread out to dry in situ. Regrowth should be allowed until the plant reaches full height once more before repeating the process until eradicated. <http://himalayanbalsamwales.co.uk/himalayan-balsam/control/>

3. Avian flu awareness.

Defra have issued guidance on the control of avian flu which has established a Wales wide zone to be controlled for 30 days over Dec-Jan. Essentially If you find dead wild waterfowl (swans, geese or ducks) or gulls, or five or more dead wild birds of other species in the same location, you should report them to the DEFRA helpline on: **03459 33 55 77** (option 1), or email: defra.helpline@defra.gsi.gov.uk.

4. Site status

The site was not filling at the time of the visit. The tipping face was closed. The Cell 7 tipping face seen closed with temporary cover.



5. Boreholes

The boreholes in the vicinity of UD4 Borehole (groundwater and gas) were seen to be rusting and not labelled or identified to the same high standard as the other sampling points on the site. It was explained that this was because it was part of the original Phase 1 permit and therefore not in the scope of this permit. However, permit variation CP3735PB/DP3636LJ dated 27th Feb 2008 at table S4.5 includes UD4 as part of the monitoring infrastructure. This means that the maintenance for this borehole falls under permit condition 1.1.1(a) where 'activities shall be managed and operated in accordance with a management system which identifies and minimises risks of pollution, including those arising from



...maintenance'. Borehole in the vicinity of UD4 without identification markings and showing signs of rust.

This means that the boreholes to the south of the site adjacent to the phase 1 and 2 boundary should be included on the site maintenance and monitoring programme.

Action 1; Deadline for identification of these points 31st Jan 2017. Failure to meet the deadline may result in a breach of permit condition 1.1.1.

Borehole 3/3. This is located at the North West corner of the site and was found to be uncapped and



containing sediment.

Sampling results from this borehole for groundwater are likely to be invalidated because of the high solids found inside the casing. Rainwater ingress is also likely to have a diluting effect which needs to be addressed in time for the next round of monitoring.

Action 2; – Provide secure lid to the borehole to prevent sediment ingress. Deadline for improvement 31st Jan 2017. Failure to meet the deadline may result in a breach of permit condition 1.1.1.

6. Permit breaches

Yellow bag waste. There was a query from a NRW colleague at another site regarding Hazardous yellow bagged waste (18 01 and 18 02 EWC codes). Site reported that they are permitted to take all 18 01 and 18 02 non-haz waste types which are landfilled at the site. The Hazardous EWC 18 codes are sent overseas for incineration. There was no yellow bag waste seen on the day. The site sends this waste stream to be incinerated overseas through East Swansea Dock and Pembroke (to Sweden). As part of a wider investigation into these waste types, it may be necessary to examine the individual waste transfer notes at a future date.

Monitoring permit breaches. Site reported several breaches of permitted limits to us on 28th October via the schedule 6 reporting process. These have now been evaluated as below with the regulatory action against each breach.

Loc ID	Determinand	Permitted level	Reported level	Date of sample	Result
NACW228	Cadmium to groundwater	0.1 µg/l	0.104µg/l	12 th Oct 16	1x Cat 3 breach
NACW229	Cadmium to groundwater	0.1 µg/l	0.430µg/l		
Cell 1-2 Sump	Mecoprop in leachate	0.071 mg/l	0.133 mg/l	13 th Oct 16	1 x Cat 3 breach
Cell 5 Sump	4-methylphenol In leachate	126 µg/l	1040 µg/l	13 th Oct 16	1 x Cat 3 breach
Cell 6 Sump	4-methylphenol In leachate	126 µg/l	546 µg/l		
Cell 7 Sump	4-methylphenol	126 µg/l	572 µg/l		

	In leachate				
SW206	4-methylphenol in surface water	1 µg/l	1.29 µg/l	12 th Oct 2016	Surface water upstream of site used to gauge water quality entering site. No further action.

7. Mecoprop analysis query

Further to the breaches reported above, we have queries relating to the methods used to measure the samples of Mecoprop to surface water at SW203, SW205, where the reported values are <0.0008mg/l against a permitted maximum of 0.00055mg/l (for SW205). These results were obtained by using method TM324. However, the same method was used to determine the mecoprop results to surface water at SW201, SW202, SW204, SW206, and SW207 – which were reported as <0.0004mg/l. This seems to be inconsistent given that the same method is used for all samples but produces two different results which seem to be linked the methods limit of detection. The footnotes accompanying the Q3 monitoring results state that some samples had a low ionic strength and that the Limit of detection was raised, assumedly to 0.0008mg/l.

We need to establish why the limit of detection in the method used does not seem to be adequate to detect mecoprop at permitted levels in all cases. It is not acceptable to have some returns given at <0.0008mg/l when the permitted limit is 0.00055mg/l without a fuller explanation because the uncertainty over the reported amount could be a breach of permit limits.

Action 3. Investigate why the Q3 27/10/16 surface water sample at SW205 were potentially in breach of permitted limits and not reported to us on a schedule 6 notification (SW203 has no permit limit).

Deadline to report back is 31st Jan 2017.

8. Summary.

(a) Site has been given x3 amalgamated category 3 permit breaches for x2 Cadmium readings to groundwater, x1 mecoprop to leachate and x3 methylphenol breaches to leachate.

(b) Site also has x3 actions to complete for a deadline of 31st Jan 2017.

Action 1; Deadline for identification of these points 31st Jan 2017. Failure to meet the deadline may result in a breach of permit condition 1.1.1.

Action 2; – Provide secure lid to the borehole to prevent sediment ingress. Deadline for improvement 31st Jan 2017. Failure to meet the deadline may result in a breach of permit condition 1.1.1.

Action 3. Investigate why the Q3 27/10/16 surface water sample at SW205 were potentially in breach of permitted limits and not reported to us on a schedule 6 notification (SW203 has no permit limit). Deadline to report back is 31st Jan 2017.

End.

EPR Compliance Assessment Report

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Site	Nantycaws Landfill EPR/CP3735PB	Permit Ref	CP3735PB
Operator/Permit holder	CWM Environmental Ltd	Date	08/12/2016

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.

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			
E2	C3	Bring back to under the permitted limit	31/01/2017
E2	C3	bring back to permitted levels	31/01/2017
E2	C3	return back to compliance limit	31/01/2017

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.