

Compliance Assessment Report

Report ID:
CAR_NRW0031422

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	07/03/2017	Time in	10:00	Out	13:00
Assessment type	Audit				
Parts of the permit assessed	1.1, 1.5, 2.3, 2.8, 3.1,3.2, 3.4,				
Lead officer's name	Taylor, Richard				
Accompanied by					
Recipient's name/position	Sean Gallagher/ Operations Director	Date issued	28/03/2017		

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
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.3.1(b)

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)	0.1
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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

Cwm Environmental Nantycaws Landfill– Permit CP3735PB

Quarterly site inspection

7th March 2017

Present; Sean Gallagher (SG), Richard Taylor (RT).

An agenda was sent to site prior to the visit.

1. Business Update. Site currently are not receiving waste to the landfill. This has been the position since Dec 2016. A temporary cap is in place weighed down with regularly placed 1 tonne piles of soil. (See picture below). The site remains open to receiving landfill waste when the market allows recommencement.

Pic 1. Atop the temporary black plastic membrane at the tipping face of Cell 7 looking east. No seagulls were seen during the visit nor odour or noise experienced.



1. Previous CAR form actions.

Response to action 1. Site sent a report to NRW on 31st Jan 17 with answers to 3 points raised in the last CAR form. Site permit CP3735PB/DP3636LJ dated 27th Feb 2008 has a list of boreholes which should be maintained in accordance with the sit maintenance and monitoring programme in which UD4 is listed. Site claim that this borehole adjacent to UD4 are not within the permit requirements and remain part of phase 1 which is not maintained or managed by Cwm Environmental and therefore not on the current permit variation schedule. However UD4 was recognised by site as being part of the monitoring requirements of the current permit and monitoring is carried out at this borehole. The action was to identify which boreholes belonged to the maintenance schedule. From the site response it is understood that UD4 is included in the monitoring programme and should be maintained by site accordingly.

Action 2 – Site have satisfactorily capped and labelled borehole 3/3 at the western edge of the site within the timescale given.

Action 3 – Site explained that the testing laboratory could not detect any pollutant and had to use a dilution method (x2) which made the reported result appear as double the limit of detection which appeared to result in a breach. NRW accepts this explanation but site need to have tighter data control methods in place. Site needs to report all breach results together with the explanation why the result should not be classified as a breach of permit limits. This way the result and explanation can be evaluated. By not informing NRW of the result, site have breached permit condition 4.3.1(b) where we were not informed of a breach of limit specified in the permit.

Decision – NRW award a Cat 4 breach of permit condition 4.3.1(b) for not informing NRW of a breach of permit conditions on a schedule 6 form where SW205 Mecoprop was reported as 0.08µg/l against a permitted maximum of 0.055µg/l. Note – NRW accepts that no pollution took place, and that the result was a doubling of the minimum limit of Mecoprop detection x2 under dilution. The breach is for not informing NRW of a potential exceedance in accordance with permit conditions. This is a breach with no environmental effect.

2. Permitted waste types.

The system of accepting waste types was examined. Presently the system relies on the experience of the weighbridge and office staff who are fully conversant with the waste types allowed on site. Waste transfer notes are available for inspection and the permit is on hand for reference. As a contingency measure, landfill bound incoming loads are unloaded into a separate inspection area prior to dispatch. Rejected loads are not currently notified to neighbouring landfill sites. There is no radiation detector on the weighbridge.

3. Odour prevention measures – leachate handling.

The site has a current odour management plan which is robust for the site. NRW received an odour complaint made against the site (Ref WIRS 1700861 on 21st Feb 17). This was closed as unsubstantiated because of other mitigating factors in the area namely a chicken farm to the West, various farms and landspreading operations, plus other potentially odorous activities owned by Cwm. Also, the landfill has been temporarily capped since Dec 16 meaning that the risk air borne odour originating from the landfill tipping face was minimal.

The leachate management was examined. Presently this is collected in an uncovered reservoir and tankered offsite for disposal at a neighbouring treatment works operated by Mekatek. Waste transfer notes are available to inspect and the system is robust enough for this operation.

4. Site Walkover.

This was carried out from the office to the tipping face of cell 7. This was temporarily capped with the membrane weighed down by a network of earth piles. No splits were observed. No seagulls were seen over the whole site, although a couple of Red Kite raptors were patrolling. No odour or noise was experienced. There was a large pile of quality dark earth in place to cover the old phase 1 site adjacent and not covered by this permit. The gas extraction system was heard to be operating across the surface of cell 7. No issues were identified.

5. Other issues identified

NRW will set up a site meeting with internal geo science staff and representatives of Cwm Environmental to identify what issues are outstanding /unfulfilled which is preventing the site from applying to reduce its current monitoring burden.

6. Annual Returns

Site submitted their annual returns on time. No breaches of permit were reported.

7. NRW will now process Cwm Environment's annual report (sent 28 Feb 2017). The review will be followed by an examination of any remaining which we feel are preventing site applying to reduce the monitoring burden.

End.

EPR Compliance Assessment Report

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Operator/Permit holder	CWM Environmental Ltd	Date	07/03/2017

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.

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.

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	C4	Report all potential exceedences with explanation	31/03/2017

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.