

Compliance Assessment Report CAR_NRW0039952

Permit being assessed: BU8819IV.

For: Pwllfawatkin Landfill Site EPR/BU8819IV, held by FCC Waste Services (UK) Limited

At: Pwllfawatkin Landfill Site, Pontardawe, SWANSEA, West Glamorgan, SA8 4RX.

Type of assessment carried out: Check Monitoring/Sampling, Reason: Routine.

On 31/03/2022.

Parts of permit assessed: See section 4

NRW Lead Officer: Ffion Thomas.

Report sent to: Richard Thomas, Site Manager on 26/05/2022.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E2 - Emissions - Land and groundwater	C3 Minor	3.2.3 Table S4.4
A1 - Specified by permit	C3 Minor	2.9.1, Table S4.1 Leachate limits
E1 - Emissions - Air	C4 No impact	3.3.5, Table S4.5 perimeter landfill gas
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
3	8.1

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
E2	A permit variation application is being prepared to vary GW limits. Please confirm timeframe of when the permit is to be submitted.	30/06/2022
A1	Operator investigations suggest foaming and condensation in wells have impacted dip equipment reading. Operator plan to use anti foam dip to see if that helps with accuracy. Investigations on-going. Please provide updated of antifoam outcomes and level results by 30 June	30/06/2022
E1	Permit variation pending. Please provide confirmation of timeframe for variation application submission by 30 June 2022	30/06/2022

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

The purpose of this Compliance Assessment Report (CAR) is to record breaches of the environmental permit arising from the exceedance of permitted emission limits during **Q1 2022**

For assessment activities taking place from the start of 2022 emission limit breaches from **groundwater boreholes** and **perimeter landfill gas wells** will be consolidated when:

- a) exceedances have occurred at different monitoring points (e.g. different boreholes) BUT
- b) the breaches occurred within the same monitoring period (i.e. Q1, Q2, Q3 or Q4) AND
- c) for the same emission parameter with a limit (e.g. ammoniacal nitrogen). If another parameter (e.g. phenol) breaches its limit a separate score would be applied.

NRW is currently reviewing and updating its guidance on compliance assessment. This interpretation and approach will be included in the Annex for landfills.

Condition 3.2.3 of the environmental permit states:

The trigger levels for emissions into groundwater for the parameter(s) and monitoring point(s) set out in schedule 4 table S4.4 shall not be exceeded.

Table S4.4 of Schedule 4 to the environmental permit is partially reproduced below.

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

Monitoring point reference	Parameter	Limit (including unit)	Monitoring Frequency	Reference period	Monitoring standard or method
BH11B	Ammoniacal Nitrogen	1 mg/l	Monthly	Spot Sample	In accordance with guidance in LFTGN 02
BH17B	Ammoniacal Nitrogen	1.5 mg/l	Monthly	Spot sample	In accordance with guidance in LFTGN 02

A Schedule 6 notification submitted to NRW on 14th March 2022 gives the measured Ammoniacal Nitrogen result at monitoring point BH11B on 25th January 2022 as 1.7 mg/l. This is an exceedance of permitted emission limits and represents **non-compliance** with the environmental permit.

A Schedule 6 notification submitted to NRW on 14th March 2022 gives the measured Ammoniacal Nitrogen

result at monitoring point BH17B on 25th January 2022 as 1.6 mg/l. This is an exceedance of permitted emission limits and represents **non-compliance** with the environmental permit.

A Schedule 6 notification submitted to NRW on 14th March 2022 gives the measured Ammoniacal Nitrogen result at monitoring point BH11B on 22 February 2022 as 1.9 mg/l. This is an exceedance of permitted emission limits and represents **non-compliance** with the environmental permit.

A permit variation application is being prepared to vary these limits.

As a result of these non-compliance a Consolidated CCS Score C3 has been recorded against compliance sub-criteria (E)(2)

Condition 2.9.1 of the environmental permit states:

The limits for the level of leachate listed in schedule 4 table S4.1 shall not be exceeded.

Table S4.1 of Schedule 4 to the environmental permit is partially reproduced below.

Table 4.1 Leachate level limits and monitoring requirements			
Monitoring point reference/description	Limit	Monitoring frequency	Monitoring method
Phase 2: All leachate monitoring points to the western side of the landfill	1.5m above the base of the cell	Monthly	In accordance with guidance in LFTGN 02
Phase 2: All leachate monitoring points to the eastern side of the landfill	2m above the base of the cell	Monthly	In accordance with guidance in LFTGN 02

A Schedule 6 notification submitted to NRW on 27th January 2022 gives the measured leachate level result at PWLW0082, PWPZC2A-1, PWLMW1B, PWLMW3B1, PWLMW3SA, PWLMW4NB on 26th March 2022 as exceeding the 163.5, 135.5, 160.63, 160.64, 160.02, 159.78 AOD limits giving measured values of 164.89, 164.08, 160.99, 163.12, 165.11, 166.95 respectively. These are exceedances of permitted emission limits and represents non-compliance with the environmental permit. Measure taken to stop emission reported "Check pumps to determine if replacements are required"

A Schedule 6 notification submitted to NRW on 3rd March 2022 gives the measured leachate level result at LMW3SA and LMW4NB on 22nd February 2022 as exceeding the 160.20m and 159.78 AOD limit giving measured values 161.84 and 165.7 respectively. These are exceedances of permitted emission limits and represents non-compliance with the environmental permit. Measure taken to stop emission reported "check if pumps need replacing"

A Schedule 6 notification submitted to NRW on 6th April 2022 gives the measured leachate level result at PWLMW2A, PWLMW3SA, PWLW0082 and PWPZC2A-1 on 30 March 2022 as exceeding the 160.19, 160.02, 163.5 and 163.5 AOD limits giving measured values 166.1, 166.4, 163.91 and 164.47 respectively. These are exceedances of permitted emission limits and represents non-compliance with the environmental permit. Measure taken to stop emission reported "on going maintenance to ensure pumps are running"

Follow up email confirmed the operator joined the technician when undertaking the well dips. This highlighted that some wells were very hot and condensation on the well walls was setting off the dip alarm. Operator confirmed they are to use anti-foam dip to see if that helps with accuracy of findings, falling that camera survey would be undertaken.

Confirmation received that the leachate wells do not have pumps, only the sidewall risers, which are

kicking in and out as the cells are empty, again suggesting the issues are in the dip equipment not in actual leachate head.

The findings of these investigations are ongoing and operator asked to keep regulating officer updated of outcomes.

As a result of the above non-compliances a consolidated CCS Score C3 has been recorded against compliance sub-criteria (A)(1)

Condition 3.3.5 of the environmental permit states:

The limits for landfill gas arising from the installation set out in schedule 4 table S4.5 shall not be exceeded.

Table S4.5 of Schedule 4 to the environmental permit is partially reproduced below.

Table S4.5 Landfill gas in external monitoring boreholes				
Monitoring point reference	Parameter	Limit (including unit)	Monitoring Frequency	Monitoring standard or method
All landfill gas monitoring points as shown on Drawing S2003/PW/PPC7 and all subsequent drawings received (excluding PWGP0016)	Carbon Dioxide	1.5% Vol above agreed background concentrations	Monthly	In accordance with guidance in LFTGN 03

A Schedule 6 notification submitted to NRW on 27th January 2022 gives the measured carbon dioxide result at monitoring point PWGB00HD and PWGB00HE on 25th January 2022 as 3.5% Vol at both points. Measure taken "permit variation being undertaken to adjust trigger levels within these boreholes"

A Schedule 6 notification submitted to NRW on 4th March 2022 gives the measured carbon dioxide result at monitoring point PWG0017 on 22 March 2022 (Typo cross ref with monitoring returns this should read 22nd February) as 1.8% Vol. Measure taken "permit variation being undertaken to adjust trigger levels"

A Schedule 6 notification submitted to NRW on 25th March 2022 gives the measured carbon dioxide result at monitoring point PWGB00HD and PWGB00HE on 25th March 2022 as 3.2 and 2.7% Vol respectively. Measure taken "We are currently reviewing the CO2 levels in perimeter boreholes prior to a permit variation"

This is an exceedance of permitted emission limits and represents **non-compliance** with the environmental permit. As per the agreed ICOP and compliance approach we will score a breach of a carbon dioxide compliance limit as having no environmental impact (actual or potential) with a Compliance Classification Scheme score CCS 4 providing:

- there is no sensitive receptor and risk to human health
- the operator is following an agreed action plan or taking actions in line with the ICOP to investigate and remediate the breach.

As noted above Measure taken "permit variation being undertaken to adjust trigger levels"

As a result of this non-compliance a consolidated CCS Score C4 has been recorded against compliance sub-criteria (E)(1)

Condition 4.3.2 of the environmental permit states:

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.

Part A(b) of schedule 5 to the environmental permit requires NRW be notified **within 24 hours of detection** of an exceedance of permitted limit.

Schedule 5 notifications were submitted. As a result this assessment is marked compliant under criteria G4

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Note: This CAR report and assessment was undertaken on 6th May 2022. However to ensure that the CCS score is attributed to the correctly (for billing) the date on CARS system has been altered to the end of the reporting quarter as 31 March 2022.

[END]

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.