

Compliance Assessment Report

Report ID:
CAR_NRW0032410

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

Site	Pwllfawtkin Landfill Site EPR/BU8819IV	Permit Ref	BU8819IV			
Operator/Permit holder	FCC Waste Services (UK) Limited					
Regime	Installations					
Date of assessment	19/10/2017	Time in	10:00	Out	13:00	
Assessment type	Audit					
Parts of the permit assessed	Monitoring, closureplans, HRA, settlement.					
Lead officer's name	Thomas, Ffion					
Accompanied by						
Recipient's name/position	Richard Thomas/ Site Manager	Date issued	08/11/2017			

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
A1 - Specified by permit	A	
E2 - Emissions - Land and groundwater	C3	3.6.1 (a) table S4.8
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

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)	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:

- 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

This Compliance Assessment Report (CAR) form has been completed following the pre-arranged site visit of Pwllfawatkin landfill on 19th October 2017 by Ffion Thomas.

The visit covered the following items:

1. Site update
2. Closure
3. Monitoring
4. HRA
5. Site visit- settlement inspection.

Present at the visit were

Ffion Thomas – NRW Senior Environment Officer

Richard Thomas – FCC Site Manager

Russell Bromage- FCC Environment Manager

1 Site update:

Inputs at Pwllfawatkin are currently averaging 5,000 tons a month. Reported 25-30 trucks per day in September liaison meeting.

Tipping is occurring within the sidewall cell area. The first lift of the sidewall is almost completed.

No further engineering works are planned. Next phase of works will include potential gas wells,

followed by the last section of permanent capping. No further temporary or sacrificial capping will be required.

Cell 3 South was Capped in the summer of 2017 and the CQA Validation report has been accepted by NRW. (CAR NRW-0032288)

No complaints have been received by FCC nor NRW.

FCC are going to apply for planning extension of waste acceptance. They are seeking a 5 year extension. The extension will allow the sidewall to be completed but not require any further cell engineering.

2 Closure

Understanding that the site will be moving towards closure. Current planning permission has cessation of waste acceptance in Sept 2018, these may be extended to 2023 if planning application approved – Local authority mineral planners to determine.

FCC are reminded of the requirements of condition 4.3.10 and asked when you able to confirm any proposed changes in the nature or function, or extension of activities which may have consequences for the environment and the change is not otherwise subject of an application for approval under the regulation of this permit, that NRW are notified at least 14 days before making the change. And provide a description of the proposed change in operation.

As and when Pwllfawatkin will be moving towards closure you are requested to consult with Ffion Thomas as soon as possible. Article 13 of the landfill directive will be applied in undertaking closure, and advice and consultation will take place to facilitate this work. In preparation for closure one of the main areas to ensure is permit compliance with conditions. To that end work will be undertaken to ensure the conditions of the permit and associated operating documents are being complied with.

To that end Ffion Thomas will review all conditions and confirm their compliance.

A search of the archive files has confirmed that all improvement programme items have been completed and approved/accepted or are no longer applicable.

A review of the permit prior to this visit identified condition 2.10.2 needing to be complied with. I was unable to find a copy of the site closure plan within our archive files.

A copy of the sites decommissioning spreadsheet was forwarded on 27 October 2017. I suggest

this is incorporated/referenced within the site closure plan.

The wording of condition 2.10.2 explains what is required: “the operator shall maintain a site closure plan which demonstrates how the activities can be decommissioned to avoid pollution risk and return the site of operation to a satisfactory state”

ACTION FCC: forward copy of site closure plan by 31 December 2017 or before if available or as otherwise agreed timeframe.

Condition 2.11.1 requires a Site Protection Monitoring Plan (SPMP) and one is on file, submitted as part of the original permit application in 2006. On review of our archives correspondence required a new version of the SPMP to be submitted (Neil Herbert email of 7/9/10 including Kevin Bennet’s letter of 20/4/06. Ffion Thomas has emailed this correspondence to Richard Thomas and Russell Bromage) Reference should be made to condition 4.2.6 where the results of any changes made to the SPMP shall be reported within 1 month of the review or change.

ACTION FCC: forward reviewed version, including the matters raised in the correspondence 24/4/06, of SPMP by 30 November 2017 or before if already available.

3 Monitoring

Summary of submissions received for 2017.

Q1 data- submission 2/5/17 an agreement is recalled, though not written documented, for a late submission to gain all required gas engine information.

Q2 data – submission 10/8/17 missing information. Email confirmed “Our technician had to be removed from his duties on health grounds and left his data in a poor state with some of it still in his notebook and which hadn’t been uploaded to our database as it should have been.”

Discussion was held during the site visit to better understand FCC’s internal sampling and monitoring management. Technicians undertake the sampling, collecting samples and noting down field observations. The samples are carried to the Lab and results forwarded to the Environment manager (Russell Bromage) technicians add their data to the FCC internal reporting database MP5 and complete a NCR form to report any missing data – such as dry boreholes or inaccessible points.

The environment Manager will check this database and cross reference against the lab sample results when obtained, and then confirm if any breaches have been recorded. Notification to NRW and re-sampling is then scheduled.

Russell Bromage explained that due to ill health and an internal health and safety breach leading to disciplinary the sampling technician for Pwllfawatkin was taken off line. Unfortunately, the timing of this event resulted in sampling data being missed from the internal MP5 database, and as the technician still had a few days left before the end of the quarter to undertake sampling and upload data it is believed that some samples were possibly not taken or the data not uploaded.

Additional FCC technicians have since visited Pwllfawatkin and undertaken sampling (accompanied by the site manager Richard Thomas due to their unfamiliarity with the site) This joint work also allowed for all sample points to be cleared of vegetation re-growth over summer months ensuring improved future access.

A further email with full explanation has been received on the 27th October 2017 and is saved to file. This email included the Q2 and Q3 monitoring submissions.

This confirmed that leachate quality sampling had been missed from the Q2 monitoring run. This is for 6 monthly leachate sampling.

Whilst NRW are sympathetic to the circumstances in this case it must be noted that permit breaches have occurred

There was initial late reporting of data as per condition 4.2.2 – requiring data to be submitted within 28 days of the end of the reporting period. The Q2 results were forwarded on 10th August 2017. The Q2 period ended 31 June 2017.

There is also a permit breach for the now confirmed missing leachate quality monitoring as per Condition 3.6.1 (a) table S4.8

The circumstances of these breach has been taken into consideration when assessing compliance and a consolidated score of a (1) CCS Cat 3 has been scored for Condition 3.6.1 (a) Table S4.8 under the heading of e2. Advice and guidance is issued as the enforcement response.

The score of the 2 breaches has been consolidated as it is felt it would, in these circumstances, be unfair impact on the compliance rating of the site to individually score the breaches as the root cause is related.

Whilst the root cause of the missing monitoring data breach has been identified as being related to procedures of staff wellbeing/competency it is not felt that the circumstances of this case lead to a breach of permit condition 1.1.1 and so in this circumstance no CCS is scored under the heading A1.

No further action to come into compliance is required as email received 27/10/17 explains how

management and staff training has been improved already.

ACTION FCC confirm Q2 data set, confirm the re-scheduling of any missing data/sampling. Submission of updated Q2 and Q3 data by end 28th October 2017. COMPLETED.

Monitoring infrastructure:

Leachate wells were discussed as there had previously been an action on FCC to complete an investigation into possible foaming issues within leachate wells providing false readings.

Antifoam dip measuring equipment is not being used. The site manager is also undertaking dip readings.

The results of camera surveys identified that desilting of some wells was required especially in well 2A, this is due to be undertaken next year.

The survey also identified an issue at well 1B which identified that a reduced diameter leachate pipe had been welded onto a larger diameter pipe. This error in infrastructure design was undertaken during the previous operators and so will not be further investigated now. FCC identified the problem and whilst the well itself is operational the shelf formed due to the diameter step change is believed to be the cause of false readings with the dip tape getting caught up on this shelf. FCC having identified this problem are to install a designated leachate level measuring pipe within the well. This will travel to the base and be of consistent diameter. From this pipe dip measurements, will be taken.

ACTION FCC confirm this perforated pipe has been installed.

4 HRA

Ffion Thomas is awaiting the comments of the Geoscience team to the additional information forwarded by FCC. An enquiry had been made regarding leachate levels and so Ffion Thomas had internally shared past CAR forms and information to assist the geoscience team. This had lead to a delay in the Geoscience team being able to complete their assessment.

However draft comments had been received and were shared with FCC. The sharing of this information served to provide FCC with a head start in collating information that would be requested.

These comments covered: the identification of chloride and ammonical nitrogen within GW sump monitoring and the possible seasonality of the occurrences. GW /water balance needs to be better understood.

The turning off GW sumps is agreeable to Geoscience (given the cells are now capped) the turning off of pumps will allow GW to recharge. This could positively impact on the above discussed matter. No turning off sumps can occur until the HRA assessment is completed.

Leachate head levels was being checked. The data presented suggested limit breaches but this may have been due to confusion over permitted limits varying across the site and phases.

FCC confirmed SW monitoring is being undertaken monthly it may be worth ensuring this data set is included to be able to investigate any impacts of the parameters found in the GW sumps monitoring.

The submission received 7/3/17 does not address all the questions previously raised by NRW and so these items are still required.

The full NRW comments on the HRA will be forwarded once Geoscience have completed their assessment. This will be forwarded to FCC and any actions assigned at that time.

No action to this heading under this CAR.

5 Site Inspection

The inspection concentrated on the inspection of capped area in cells 1-4 areas. Settlement has occurred in these areas and a check was undertaken as to any potential impacts.

Monitoring and management of the infrastructure was discussed. FCC take this issue seriously as any damage to the cap/well interface could lead to the ingress of rain water and egress of gas.

Any signs of wear and tear are identified by FCC through visual inspection during sampling and site walk overs. Infinis gas contractor also inspect their infrastructure and report findings back to the site manager.

No damage has been identified by FCC to infrastructure nor cap. If any damage to wells is found, then re-sealing of the cap/well interface would be undertaken via approved CQA.

Settlement is to be expected. Of the areas identified where dips in settlement have been noted, the settlement is not having a visual impact to the surface cap, there are no signs of pooling/standing water.

The areas of settlement appear to corresponds to the area where a cell finishes and the next begins. It is thought that as the site has been progressively capped these areas relate to the proceeding cell being filled to meet the capped area- and the rest of the cell then being filled to contour.

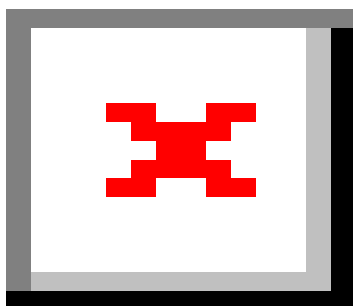
Topographical surveys are required annually and any further settlement will be identified during this survey work.

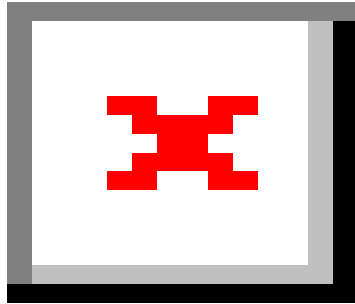
site stability under LfD is based on waste stability and not cap soil stability.

Cap drainage is in place to shed surface water. Areas of vegetation that could indicate wetter conditions was found to follow the over ground pipework of gas infrastructure.

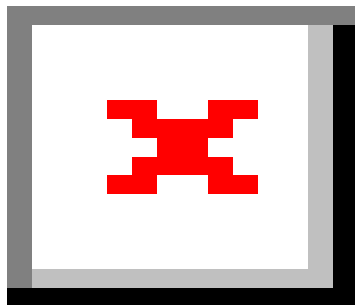
The visit was undertaken following a period of heavy storms there was no evidence of pooling water.

During the site inspection observation were made of waste acceptance. The procedures to oversee the waste acceptance at the tipping face followed the requirements. With the compactor driver exiting the vehicle and observing the waste as it was deposited prior to compaction.

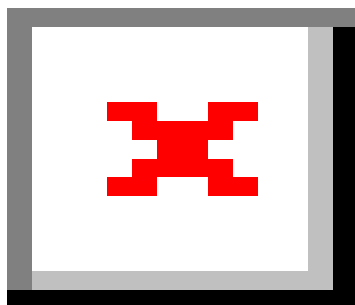




Infrastructure integrity checked. Well lowered to improve monitoring access.



Cap inspected for signs of settlement.



Waste acceptance checked. Also signs of biodiversity noted (see below)

AOB:

The new Environment (Wales) Act 2016 incorporates the Welsh government driven improvements for natural resource management in Wales there are definite links between the management of the landfill sector and the purposes of this act. See below for links to Welsh Government animations explaining the act and the approach to be taken to resource management.

[WG animation explaining Environment Act](#)

[Animation explaining natural resource Management in Wales.](#)

During my visit I witnessed; 6 Red kites gliding on the thermals above the landfill (the site staff reported having seen up to 20 at times), a heron flying off from the surface water lagoons, home of the annual resident Canada geese. The site is known to have resident grass snakes, and adders often sighted, taking advantage of the warm landfill gas collection pipeline infrastructure. I also saw Fox footprints on the sacrificial plastic liner used to temporarily cap waste, reducing odour emissions and limiting rainfall ingress so reducing leachate production.

In my opinion these sightings indicate a diverse habitat capable of supporting an array of wildlife that is far from the public perception of "the tip" and illustrates how "SMNR" is active all around us.

This aesthetically pleasing picture is only achieved through good waste management and regulation. The landfill has been progressively capped, returning areas to grassland as soon as possible. The tipping area is kept to a minimum - reducing the area of exposed waste and therefore making it unattractive to seagulls, reducing odour emissions and windblown litter. The management of surface water and creation of ponds increases the types of habitats. The fact the engineered infrastructure also lends itself to creation of warm places for invertebrates is a happy by-product of the strict landfill Directive requirements requiring landfill management, in capturing methane and reducing greenhouse gas emissions and managing leachate production.

The above was shared on NRW's internal Yammer pages.

Summary of compliance assessment scores:

CCS Cat 3 has been scored for Condition 3.6.1 (a) Table S4.8 under the heading of e2.

No further action required as email received 27/10/17 explains how management and staff training has been improved already.

Summary of actions:

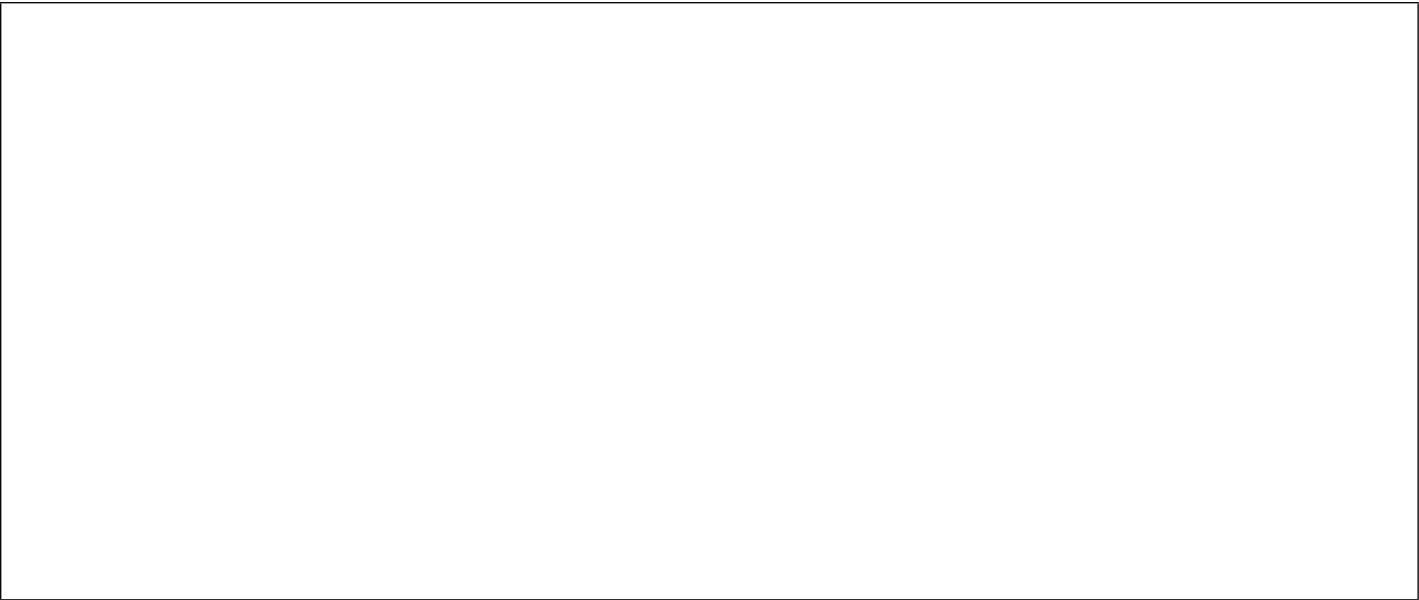
ACTION FCC: forward copy of site closure plan by 31 December 2017 or before if available or as otherwise agreed timeframe.

ACTION FCC: forward reviewed version, including the matters raised in the correspondence 24/4/06, of SPMP by 30 November 2017 or before if already available.

ACTION FCC confirm Q2 data set, confirm the re-scheduling of any missing data/sampling. Submission of updated Q2 and Q3 data by end 28th October 2017. COMPLETED.

ACTION FCC confirm this perforated pipe has been installed. (relates to leachate well)

END



EPR Compliance Assessment Report

**Report ID:
CAR_NRW0032410**

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

Site	Pwllfawatkin Landfill Site EPR/BU8819IV	Permit Ref	BU8819IV
Operator/Permit holder	FCC Waste Services (UK) Limited	Date	19/10/2017

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			
E2	C3	No further action to come into compliance is required as email received 27/10/17 explains how management and staff training has been improved already.	08/11/2017

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.