

Compliance Assessment Report

Report ID:
CAR_NRW0033658

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	31/03/2018	Time in	N/A	Out	N/A	
Assessment type	Check Monitoring/Sampling					
Parts of the permit assessed	monitoring 3.6.1 table S4.4					
Lead officer's name	Thomas, Ffion					
Accompanied by						
Recipient's name/position	Russell Bromage/ Environment Manager	Date issued	20/07/2018			

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	3.6.1 Table S4.4

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 receipt of a Schedule 6 Notification for Ground Water monitoring limit breach on 20th March 2017.

Permit conditions state:

3.6 Monitoring

3.6.1 The operator shall, unless otherwise agreed in writing by the Agency, undertake the monitoring specified in the following tables in schedule 4 to this permit:

- (a) Leachate specified in tables S4.1 and S4.8;
- (b) Point source emissions specified in tables S4.2 and S4.3;
- (c) Groundwater specified in tables S4.4 and S4.10;
- (d) Landfill gas specified in tables S4.5, S4.6 and S4.7; and
- (e) Surface water specified in table S4.9

Table S4.4 (edited to include relevant sections)

Monitoring point reference	Parameter	Limit (including unit)	Monitoring frequency	Reference Period	Monitoring standard or method
WBH11B, WBH12B	Ammoniacal Nitrogen	1mg/l (11B) 1.8mg/l (12B)	Monthly ¹		

Note 1 Monthly monitoring frequency for ammoniacal nitrogen and chloride, unless otherwise agreed in writing with the Agency

(Limits approved via IC 12 dated 11th July 2013)

4.3.1 The Agency shall be notified without delay following the detection of:

- (a) any malfunction, breakdown or failure of equipment or techniques, accident, or fugitive emission which has caused, is causing or may cause significant pollution;
- (b) the breach of a limit specified in the permit;
- (c) any significant adverse environmental effects.

4.3.2 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.

A schedule 6 Part A notification was received via email on 4 April 2018 detailing an Ammonical Nitrogen emission limit breach for BH11B on the 20th March 2018

(no FCC reference number accompanied the notification as has been in the past)

Details within the Schedule 6 stated: ***Routine monitoring returned a slight breach of the ammoniacal nitrogen trigger level for borehole BH11B with 1.2mg/l being recorded. No other parameters breached and re-sampling will take place in April.***

The sites Ground water management plan includes:

Table 1.3: Contingency Action Plan Following the Breach of a Trigger Level

Appropriate Contingency Actions	Timescale	Responsible Personnel
Advise WRG Site Business Manager	Within 24 hrs of monitoring data	Site Technical

	obtained.	Manager
Advise WRG Regional Technical Manager	Within 24 hrs of monitoring data obtained.	Site Technical Manager
Advise Environment Agency	GW level data within 24 hrs of monitoring data obtained via Schedule 6. GW analytical data within 5 working days of receipt of electronic copy of data from laboratory via Schedule 6. Your permit requires notification within 24 hours of the results becoming available. Ideally you would make arrangements with the lab to report failures early.	Site Technical Manager
Confirm by retest or repeat analysis	GW analytical data within one month of receipt of data from laboratory. Sampling will also be increased from quarterly to monthly until two successive results are below trigger level, only for the bh and parameter that breached.	Site Technical Manager
Report results of retest to Site Business Manager, Regional Technical Manager and Environment Agency via updated Schedule 6.	Within 5 days of repeat or retest analysis being received.	Site Technical Manager
If breach persists investigate cause and /or review site management and operations, and implement actions to prevent future failure of a trigger level	Within one month of repeat breach reported to EA	Site Technical Manager and Site Business Manager (UPDATE EAW)
If investigation shows the landfill is the likely cause and breaches continue despite actions above review existing hydrogeological risk assessment.	Within six months of first breach reported to EA	Site Technical Manager and Regional Technical Manager (UPDATE EAW)
If risks are unacceptable set in place procedures for implementing corrective measures in consultation with or required by the EA.	To be agreed with EA	Site Technical Manager and Regional Technical Manager

It is recognised that BH11B ammonical nitrogen monitoring is required to be monthly under permit condition 3.6.1 Table S4.4 and so re-sampling within a month as per the above contingency actions (highlighted yellow) should occur automatically.

Re sampling was confirmed to have taken place on the 19 April 2018. The results showing a continuation of the emission limit breach with a result of 1.1 mg/l.

Consolidation and Breach scoring

NRW follow the CCS guidance document when assessing permit compliance. In relation to self-reporting of monitoring limit exceedance then non-compliances must be scored. However, Consolidation is undertaken to increase the level of operator consistency. NRW date the non-compliances as if it took place on the last day of the reporting period. We enter 1 non-compliance for each limit value that is breached during the quarter, regardless of reporting period.

We define quarters as January – March, April – June, July - September, October – December.

In the period January to March 1 exceedance at BH11B for Ammonical Nitrogen emission limit levels was recorded. (results being 1.2mg/l against a limit of 1.0mg/l)

A breach of condition 3.6.1, table S4.4 ammonical nitrogen emission limit at BH11B has been recorded.

A non-compliance of 1 x CCS 3 has been recorded on this CAR form.

ACTIONS: Continue to re-sample (monthly monitoring) and review any trends.

No schedule 6 Part B notification has been received. You are reminded that completing Part B of schedule 6 is required and has historically been done.

EPR Compliance Assessment Report

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Operator/Permit holder	FCC Waste Services (UK) Limited	Date	31/03/2018

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.

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.

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	Continue to re-sample monthly monitoring and review any trends.	20/07/2018

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.