

Compliance Assessment Report

Report ID:
CAR_NRW0035087

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	07/02/2019 - 30/04/2019	Time in	10:00	Out	12:00
Assessment type	Check Monitoring/Sampling				
Parts of the permit assessed	2.9.1 4.3.1 leachate levels and notification				
Lead officer's name	Thomas, Ffion				
Accompanied by					
Recipient's name/position	Richard Thomas/ Site manager	Date issued	08/05/2019		

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	C3	2.9.1 Table S4.1

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 assessment of Q1 leachate monitoring and associated Schedule 6 Notifications received for that period. The assessment has consolidated notifications as per the compliance scoring guidance.

Leachate Monitoring notification and additional data:

On the 6th February FCC's Russell Bromage called Ffion Thomas to explain that there had been a breach of leachate levels at the site in January. The increase in levels has arisen due to the receiving disposal company rejecting the acceptance of leachate. Schedule 6 notification was received and an action plan later submitted following email and on site discussion.

January:

(b) Notification requirements for the breach of a limit	
To be notified within 24 hours of detection unless otherwise specified below	
Emission point reference/ source	LW1B, LMW3SA, 3SB, 4NA, 4NB
Parameter(s)	Leachate Level
Limit	Various
Measured value and uncertainty	Routine monitoring returned leachate levels in excess of their permitted levels. Pumping has had to be switched from certain areas to try to decrease the concentration of sulphide as the tanker company and the leachate reception facility were refusing to take the leachate with the elevated sulphide concentrations. An aerator has been installed to aid in the removal of the sulphide alongside ammonia dosing which is having a beneficial effect. Extraction will be increased to lower levels as soon as possible.
Date and time of monitoring	31 January 2019,
Measures taken, or intended to be taken, to stop the emission	Increased tankering

February:

(b) Notification requirements for the breach of a limit	
To be notified within 24 hours of detection unless otherwise specified below	
Emission point reference/ source	Leachate Wells
Parameter(s)	Leachate Levels
Limit	Various
Measured value and uncertainty	Routine monitoring returned leachate levels in excess of their permitted triggers. These elevated levels are due to problems with elevated sulphide in our leachate restricting where it can be disposed of. This situation has now resolved itself and FCC and concentrating on returning to a compliant status with increased tankering from cells 3 and 4.
Date and time of monitoring	28 February 2019,
Measures taken, or intended to be taken, to stop the emission	

Monitoring Point	Top Survey Level (m AOD)	Monitoring Point Basal Elevation (mAOD)	Dip to Leachate (m)	Leachate Level (mAOD)	Control Limit	Compliance Limit (mAOD)	Level above Compliance (m)
PWPZC1C-1	182.33	158.04	22.33	160	166.50	167.00	-7.00
PWPZC1C-2	180.52	158.07	21.5	159.02	164.00	164.50	-5.48
PWLW0082	179.84	157.64	17.07	162.77	163.00	163.50	-0.73
PWPZC2A-1	180.03	156.16	20.95	159.08	163.00	163.50	-4.42
PWLW0091	176.31	155.58	17.72	158.59	163.50	164.00	-5.41
PWLW0101	177.65	156.12	18.75	158.9	166.00	166.50	-7.60
LMW1A	180.48	158.23	22.33	158.15	159.73	160.23	-2.08
LMW1B	191.06	159.13	31.93	159.13	160.13	160.63	-1.50
LMW2A	187.1	158.19	28.91	158.19	159.69	160.19	-2.00
LMW2B	191.42	158.97	32.45	158.97	159.97	160.47	-1.50
LMW3B1	187.019	158.64	28.38	158.639	160.14	160.64	-2.00
LMW3B2	184.651	159.3	25.35	159.301	160.30	160.80	-1.50
LMW3SA	182.404	158.52	18.4	164.004	159.52	160.02	3.98
LMW3SB	184.462	158.4	19.8	164.662	159.90	160.40	4.26
LMW4NA	179.6	158.2	16.12	163.48	159.70	160.20	3.28
LMW4NB	180.589	157.78	17.2	163.389	159.28	159.78	3.61

March:

No Schedule notification received. Q1 returns did show elevation at 4 wells. Site discussions were ongoing during this period and so on this occasion the lack of notification will not be scored. A reminder is given to ensure notifications are made.

Updated levels have been received in April, along with a schedule 6 notification for April leachate levels – this will be assessed under Q2 consolidation.

Updated levels provided in April indicated levels moving towards compliance limits.

Monitoring Point	LMW3SA	LMW3SB	LMW4NA	LMW4NB
Trigger	159.52	159.9	159.7	159.28
Compliance <i>(added by regulating officer for ease of reference)</i>	160.02	160.40	160.20	159.78
12/02/2019	164.00	164.66	163.48	163.39
12/03/2019	163.88	163.80	163.04	162.97
25/03/2019	163.30	163.36	162.72	162.66
29/03/2019	160.10	163.01	159.73	161.19
12/04/2019	160.78	163.03	160.82	162.86
18/04/2019	160.98	163.01	160.60	162.69
26/04/2019	158.85	165.01	160.55	162.59

Site visit and action plan:

Following phone conversations and receipt of the schedule 6 notification of Feb 6th a site visit was undertaken on the 7th February 2019.

The visit witnessed the emergency pre-treatment arrangements on site and confirmed them as acceptable at that stage, Discussion was held with Richard Thomas, site manager, for the need to review this treatment arrangement on going and if it is to become a more permanent feature assess need for permit variation to include the treatment activity. This would of course be subject to review of the leachate quality trends over the coming months/quarters to establish if the treatment is still required.

No odours were identified off site during the visit, noting that aeration was not active at the time. Richard Thomas confirmed that dosing was being undertaken to help control odours. Review of the odour management plan is to be considered.

During the visit confirmation that some wells effected are within capped areas and some not was seen. Agreement was made with Richards plan that reducing well levels would be done on a risk-based approach, with uncapped area wells being a priority.

It was understood the contracted leachate disposal company were now accepting the leachate, at the current quality, into one of their other sites, but the geographical location was resulting in limitations of tanker load numbers due to the increased turnaround mileage and any unforeseen traffic delays.

Consideration of additional outlets enabling an increased/consistent output of leachate from site may be required to ensure the leachate levels come back into compliance without delay and can remain below permit levels via management/mitigation of disposal routes.

Permanent capping and temp capping is planned for this year, NRW would like to encourage this capping work be prioritised.

It was agreed with Richard that increased dipping of wells would be undertaken at a minimum of weekly and to best endeavours every other day in the short term, the data would be forwarded to the regulating officer. Confirmation that this additional levels data would only be used to assess trends not added to any compliance scores as they are all consolidated.

Action Plan:

An “Elevated Leachate Level Action Plan, February 2019” was received via email on 25th February 2019. This detailed the timeline of events and action to be taken including the installation of the aerator and dilution with bleach of the leachate.

Working towards compliance with the above methods and acceptance of the leachate at the disposal location with now increased tanker load numbers has seen the site move towards leachate limit compliance.

I was very pleased the work to mitigate and manage the situation and encourage this continued effort.

Permit Breach:

The failure to maintain leachate levels in accordance with the limits set in the permit are a breach of condition 2.9.1, table S4.1 of your permit.

Compliance classification scores (ccs) of 3 will be allocated against the a1 compliance heading.

NOTE: In accordance with ccs scoring guidance the reported permit breaches applicable to these 5 wells have been consolidated into one CCS score, covering the **Q1 (January to March 2019)** monitoring period i.e. one ccs score of 3 will be allocated to the breaches that occurred at the leachate wells at Pwllfawatkin landfill over the Q1 reporting period.

Future level breaches into Q2 will be reviewed and suspension of scores considered IF continued progression to compliance is noted as per the action plan that has been put into place.

EPR Compliance Assessment Report

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CAR_NRW0035087**

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Site	Pwllfawatkin Landfill Site EPR/BU8819IV	Permit Ref	BU8819IV
Operator/Permit holder	FCC Waste Services (UK) Limited	Date	07/02/2019

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			
A1	C3	continue working towards compliance as set out in action plan	30/04/2019

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.