

Compliance Assessment Report

Report ID:
CAR_NRW0035093

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	31/03/2019	Time in	N/A	Out	N/A
Assessment type	Check Monitoring/Sampling				
Parts of the permit assessed	4.3.1 Notifications & 3.6.1 Ground water emission monitoring - BH11B and BH5B Ammonical Nitrogen				
Lead officer's name	Thomas, Ffion				
Accompanied by					
Recipient's name/position	Richard Thomas/ Site manager	Date issued	09/05/2019		

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
E2 - Emissions - Land and groundwater	C3	3.6.1 Table S4.4
	C3 - Suspended	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	2	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 (and email) for Ground Water monitoring limit breaches during Q1 2019 (Jan– Mar)

Compliance Assessment:

Schedule 6 notification was received via email on 24/1/19, 25/2/19 and 28/3/19, as per condition 4.3.1 and 4.3.2,

The 3 notifications detailing ammonical nitrogen emission breaches for BH11B sampled on the 14/1/19, 12/2/19, and 12/3/19

The notification received on 25/2/19 also included an emission breach at BH18 for chloride, but the resample in March, as per procedure, saw the borehole return into compliance. No further assessment has been undertaken and no exceedance breach recorded.

The notification received on 28/3/19 included an emission breach at BH5B for ammonical nitrogen. Resampling was planned for April as per procedure however the results recorded did not show a return into compliance.

Background:

Bore hole 11B has recorded breaches for Ammonical Nitrogen monthly since March 2018. Breaches have been assessed and scored under CAR_NRW033658 and CAR_NRW0033659 and NRW00034202

FCC are wishing to apply to vary this limit but to date no application has been forwarded. Reference to a known mine audit has been included in the annual report and additional information supplied as part of the HRA review work. The information submitted is limited but will be discussed further at a site meeting planned for the 20th May 2019.

Confirmation that this borehole is sealed and has a cover was made during a site visit, this limits the ingress of debris. The borehole is located near to the haul road. Other boreholes are located nearby but drill logs need to be reviewed to assess any trends.

FCC may wish to go ahead and apply for a permit variation to the limits of this emission parameter at this borehole. Supporting information would be required in the determination of any emission limit increase.

Permit limit exceedance at borehole BH11B and BH5B:

In the period January to March 2019 exceedance at BH 11B for Ammonical nitrogen emission limit level was recorded with results of 3.0mg/l Jan, 3.1mg/l Feb, 3.0mg/l Mar against a permit limit of 1.0mg/l.

Exceedance at BH5B for ammonical nitrogen emission limit levels was recorded with results of 18mg/l Mar, the resample in April recorded a result of 1.9mg/l against a permit limit of 1mg/l. As the resample did not return a compliant result this exceedance has been assessed.

Permit compliance assessment Breach:

The exceedance of emission limits in accordance with the limits set in the permit are a breach of condition 3.6.1 table S4.4 of your permit.

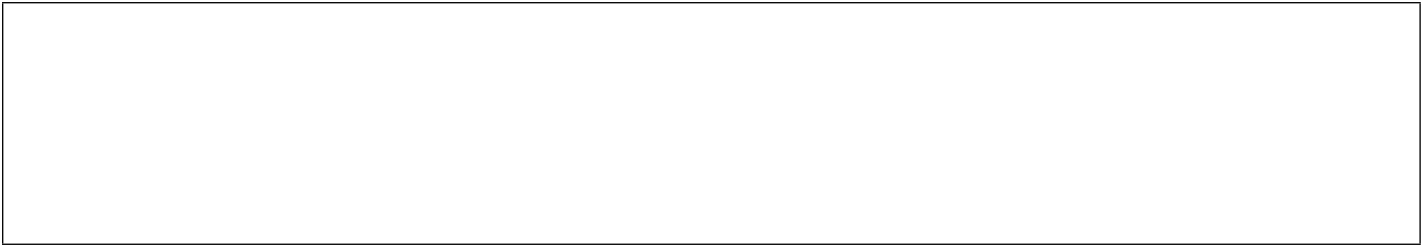
Compliance classification scores (ccs) of 3 will be allocated against the E1 compliance heading.

*NOTE: In accordance with ccs scoring guidance the reported permit breaches applicable to these 2 boreholes have been consolidated into two 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 groundwater boreholes BH11B and BH5B at Pwllfawatkin landfill over the Q1 reporting period.*

The scored breach at BH11B has been previously suspended in Q3 of 2018 for 6 months. The suspension is extended.

The decision to continue the suspend the score at BH11B was taken as an investigation into this borehole continue breaches is being undertaken as part of the HRA updated information and the annual report submission. The operator was to undertake assessment and review work to submit proposed increased limit. NRW are currently reviewing the submissions received.

The proposals are being reviewed with NRW's geoscience team prior to any agreements to increasing limit. Further discussion is planned for 20th May. Any increase to limits will require permit variation.



EPR Compliance Assessment Report

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Operator/Permit holder	FCC Waste Services (UK) Limited	Date	31/03/2019

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			
E2	C3	Re-sample in May.	31/05/2019
E2	C3	Discussions on going between operator and NRW regards varying emission limit	31/05/2019

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.