

	EPR Compliance Assessment Report		Report ID: 5939	
	This form will report compliance with your permit as determined by an NRW officer			
Site	Withyhedde Landfill (Phase 1 and 2)		Permit Ref	BP3131SG (as amended)
Operator/ Permit holder	Resources Management UK Limited			
Date	10 th July 2015			
What parts of the permit were assessed	Offsite odour check and inspection of Phase 2 operational area and construction of new Valley Cell			
Assessment	Audit	EPR Activity:	Installation: X	Waste Op: Water Discharge:
Recipient's name/position	Bryan Cameron: Site Manager			
Officer's name	Neil Herbert		Date issued	

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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			Condition(s) breached
a) Permitted activities	1. Specified by permit	3	2.10
b) Infrastructure	1. Engineering for prevention & control of pollution	A	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	N	
	3. Materials acceptance	A	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	3	3.3.1
	2. Noise	A	
	3. Dust/fibres/particulates	A	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	A	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk), A = Assessed or assessed in part (no evidence of non-compliance), N = Not assessed, NA = Not Applicable

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	8
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If the Total No Breaches is greater than zero, then please see Section 3 for details of our proposed enforcement response

Mr Bryan Cameron (site manager) accompanied me during my visit. This was a short (unannounced) visit in order to principally inspect progress with the construction of the new Valley cell and to undertake some simple odour check (in response to recent odour complaints).

Engineering of Valley Cell

- The construction of the Northern Valley Cell has commenced. Currently the site are undertaking the earthworks in preparation of the formation levels. The containment systems of the existing adjacent cells have also been exposed. A CQA engineer was on site during my visit supervising and directing the earthworks.
- I noted extensive damage to the recently exposed lining system of Cell 1 North, however much of this will be replaced or repaired when the Valley cell lining system is constructed and keyed in.
- I also noted that significant debris has been allowed to accumulate between the geotextile protector (which has been lifted) and the HDPE. Again on the Cell 1 North containment bund. We discussed this with the site manager and CQA inspector who confirmed that the debris will be carefully cleared from all areas. Prior to the geotextile being re-laid the CQA inspector will need to include written confirmation (to be included in the CQA report) that the areas have been cleared of any debris that could damage the under-lying geomembrane. **Action**
- Geomembrane for the capping and the cell construction has already been ordered. They are awaiting the results of the cylinder test before ordering the GCL component.
- Survey team will be on site next week (weather permitting) and the construction of the trial pad for the mineral barrier may then commence.
- No leachate breakouts or soft spots have been encountered to date during the valley cell construction.

Odour and Gas Management deficiencies

- Prior to attending site I undertook an odour check to the North of the facility. I detected an intermitted offensive odour which I recognised as emanating from the landfill.
- Whilst on site a highly offensive and intense odour was emanating from cell 2 and 3. The site manager (SM) indicated that a number of the leachate wells were in the process of being resealed in order to reduce the risk of point sources from this area. **Action**.
- It is also unclear why some wells in cell 3 remain disconnected even though waste operations have relocated to another area of the site. It is critical that waste operations is phased in such a way as to minimise disruption to gas extraction e.g. wells are reconnected as soon as possible. SM indicated that the gas contractor was in the process of resealing a number of disconnected wells.
- Currently waste tipping has now relocated to the Eastern edge of cell 1. There are no waste operations on cell 3. What is unclear is whether final levels have now been achieved on cell 3 ? **Operator to clarify**
- The phase 2 operational site currently consists of cell 1, cell 2 and the larger cell 3. At present only a limited area of phase 2 has been capped (temporary and permanent capping) leaving a very large area of the site uncapped. Surface fugitive emissions are therefore likely from these large uncapped area. Capping proposals for this phase have been submitted by the operator and approved in 2014 and the operator is now awaiting the delivery of the capping materials. We understand that the operator current plan is to start capping as soon as the lining of the Northern Valley cell has been completed. This may need to be re-examined (see below) in light of the issues raised.
- As part of the capping works we also expect to see significant improvements to the gas extraction network including the installation of new wells within Phase 2 and we understand that the operator is in discussions with the gas contractor already over these improvements.
- During this visit we noted that large areas of the phase 2 site, particularly cell 3 had little or no landfill gas extraction and this is not acceptable (there is no activity on cell 3 at present with the tipping face now located on cell 1).
- **Action:** We have already asked the operator to liaise directly with the gas contractor to develop an action plan to improve gas extraction (with timetable of implementation). The plan needs to consider short term as well as longer term solutions and further include contingencies in the event of further capping delay. When developing the plan the operator should consider the following (not exhaustive) options:
 - Bringing forward capping works where possible;
 - consider starting capping works first if cell construction is delayed (even if this is done piece meal);
 - install the new phase 2 gas collection infrastructure before the cap is installed (this has the additional advantage that a better seal (e.g. top hat) will likely be achieved if the cap is built after the well has been installed;
 - consider connecting leachate wells to the gas collection system;
 - resealing gas and leachate wells;

- ensure all disconnected wells have been sealed with gas tight end caps;
- ensuring that disconnected wells are reconnected as soon as possible;
- installation of sacrificial wells (e.g. pin wells) especially if capping delayed;
- any further measures deemed appropriate.

It may also be sensible to complete the drafting of the CQA plan (for the replacement gas infrastructure) and submit it to us for approval. Once approved the work can commence as soon as practicable and reduce the risk of any delays (i.e. awaiting the submission and approval of the CQA plan). **Action**

Operational Area

The current tipping area is situated along the Eastern flank of Cell 1 (Northern section). A bund separates the working area from the temporary capped flank however the bund has not been engineered (i.e. compacted or built to a recognised standard). As a consequence there IS a risk that leachate could break over or through the bund and flow over the capped area onto an unlined area within the valley cell. The operator has already been instructed to undertake close supervision of this area and develop a contingency plan to prevent any potential breakouts leaving the containment area. **Action**



Leachate Ditches Phase 2

These are overgrown making inspection difficult however the manager instructed me that work has already been scheduled to trim the ditches the following week. **Action**

Fuel Storage

A new proprietary, bunded, fuelling station has now purchased and replaces the previously unsuitable IBC.

Compliance

- The failures in the phase 2 gas collection system is considered a breach of conditions 2.10 of your permit and an offence. A compliance classification (CCS) score of 3 has been attributed against the a1 compliance heading.
- The malodorous emissions detected by the site inspector on the date of this visit is considered a breach of condition 3.3.1 of your permit and an offence. A CCS score of 3 has been attributed against the F1 compliance heading.

Environmental Monitoring Returns

The q1 returns are now seriously overdue. The site manager informed me that a consultant had been employed to attend to this and will be in touch shortly.

End of section 2.

	EPR Compliance Assessment Report	Report ID: 5939	
This form will report non-compliance with your permit as determined by an NRW officer			
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Operator/ Permit	Resources Management UK Limited	Date	10 th July 2015

Section 3- Enforcement Response		Only one of the boxes below should be ticked	
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.			N/A
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.			N/A
We will now consider what enforcement action is appropriate and notify you, referencing this form.			x

Section 4- Action(s)			
Where a non - compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
a1 & f1	CCS 3 (X2)	Operator to now liaise directly with the gas contractor to develop an action plan to improve gas extraction (with timetable of implementation). The plan needs to consider short term as well as longer term solutions and further include contingencies in the event of further capping delay. When developing the plan the operator should consider the following (not exhaustive) options: - Bringing forward capping works where possible; - consider starting capping works first if cell construction is delayed (even if this is done piece meal); - install the new phase 2 gas collection infrastructure before the cap is installed (this has the additional advantage that a better seal (e.g. top hat) will likely be achieved if the cap is built after the well has been installed; - consider connecting leachate wells to the gas collection system; - resealing gas and leachate wells; - ensure all disconnected wells have been sealed with gas tight end caps; - ensuring that disconnected wells are reconnected as soon as possible; - installation of sacrificial wells (e.g. pin wells) especially if capping delayed; - any further measures deemed appropriate. Note: the site manager is already in the process of liaising with the gas contractor, NRW are proposing a meeting to discuss the initial proposals. Ensure all wells are sealed (gas tight) all gas wells are re-connected	Meeting proposed to discuss the <u>draft</u> plan 6th August. Further actions to follow following this meeting.
		Whilst no compliance breaches have been recorded in this report the action noted below need to be undertaken to ensure future compliance at the facility.	
		Ensure debris removed from the space between the currently exposed geofabric and geomembrane (valley cell). The CQA inspector shall inspect and provide written confirmation that the debris has been removed before the fabric is re-laid.	To be submitted as part of the CQA validation report for the Valley cell/
		Submit the CQA plan for the new gas extraction system (phase 2) for approval.	We recommend that this is done as a matter of urgency.

Section 4- Action(s)

Where a non - compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.

Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
		Undertake regular inspection (particularly during and following inclement weather) to ensure that leachate does not operator the site's containment bund	Immediate
		Develop a contingency plan to prevent possible leachate breakouts from the current tipping area overtopping the containment bund. Note: The site manager started drafting this immediately following the conclusion of the visit.	This should have been already completed
		Clear leachate containment ditches of vegetation to allow safe and unhindered access for visual inspections.	Within two weeks of the issue of this report.

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 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 which 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 Natural Resources Wales (NRW) to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). 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 (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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

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

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 twenty 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 the officer's line managers. 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) 601 0987**.