

## Compliance Assessment Report CAR\_NRW0040206

**Permit being assessed:** MP3330WP.

For: Withyhedge Landfill, held by Resources Management U.K Limited

At: Withyhedge Landfill Bowlings House , Rudbaxton, Haverfordwest, Pembrokeshire, SA62 4DB.

**Type of assessment carried out:** Site Inspection, Reason: Routine.

On 21/07/2022 between 10:00 and 12:00.

Parts of permit assessed: 2.7 waste acceptance

**NRW Lead Officer:** Ffion Thomas, accompanied by Rhodri Morgan.

**Report sent to:** Phil Ridley, Business & Development Director on 02/08/2022.

### 1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
C1 - General Management - Staff competency/training	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
0	0

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

### 2. What action is required?

No action required.

### 3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

**At this time, we do not intend to take any further action.**

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

## 4. Details of our assessment

### Withyhedge site visit 21 July 2022

**Purpose of the visit:** The visit was undertaken as an unannounced inspection following NRW's response to the cell 6 CQA validation report (CAR form NRW0040096)

NRW had confirmed that it is was satisfied with the CQA Validation Report for the construction of cell 6, subject to caveats:

- The first layers of waste in the new cell must be free from any wastes that could cause damage to the underlying cell drainage and lining systems e.g. fine soils, that could blind the drainage, or large bulky or rigid items, that could penetrate the lining system, etc (see site's waste acceptance procedures);
- you must ensure that the machinery used in placing the first lift does not cause damage to the newly built cell drainage and lining systems;
- an appropriate standoff (e.g. a ditch) must be maintained from the edge of the waste slope and the Easter, Southern, Western containment bund/s, in order to prevent leachate breakouts overtopping the containment bund and to prevent wastes falling outside the containment area.

The visit was undertaken to assess compliance against these caveats and also an opportunity to visit surface water monitoring point locations (SP1 and SP7)

### **Visit Findings:**

On arriving Howard Evans (site Manager) welcomed us to site, Ffion Thomas explained the purpose of the visit was to assess the first lift/placement of wastes into Cell 6 and also the desire to identify upstream and downstream surface water monitoring points (SP1 and SP7)

Following sign in Ffion and Rhodri Morgan were accompanied by Howard towards cell 6. On passing the Waste facility permitted Transfer station Howard pointed out wastes within a containment bay that had been accepted as meeting the criteria of being free of waste that could cause damage to the cell lining system and drainage layers. On visual inspection these waste were noted to be "fluffy" in appearance, shredded and free of rigid items, bulk items that could penetrate or fine material that could blind the drainage.

As we entered cell 6 a stand off from the cell bund had been created through the placement of wind blown waste fencing. This fencing was erected via use of Integrated Bulk Containers as ballast blocks, ensuring no stacks or penetration of the containment system.

Howard confirmed that no machinery capable of damaging the cell was being used in the first lift of waste placement. No plant was operational at the cell at the time of the inspection, but no damage was seen confirming the statement.

On visual inspection of the waste that had been placed within cell 6 these were noted to be "fluffy" in appearance, shredded and free of rigid items, bulk items that could penetrate or fine material that could blind the drainage.

The remaining caveats of CAR form NRW0040096 related to updating of the monitoring

management plan and waste phasing plan were not assessed during this visit, however Howard verbally confirmed that these would be updated and monitoring infrastructure is in situ.

The site visit provided opportunity to visit Upstream (SP1) and Downstream (SP7) surface water monitoring points, this was to increase the new regulatory officers site awareness. Both locations were visited with the aid of site operative Karl Smith, who's return to working at Withyhedge brings previous site knowledge and awareness. With Karl's guidance both monitoring points were quickly accessed despite some seasonal vegetation growth.

Howard confirmed vegetation cut back maintenance would be completed at both locations and the use of supressing matting to improve/maintain access along with all points being GPS logged and sign posted to ensure future ongoing ease of access identification.

At SP7 Ffion Thomas agreed that the use of the road bridge as a downstream monitoring access point would be considered reasonable and provide a safe access point. Discussion was held regards the potential re-positioning of the Downstream SP7 monitoring point to being within the permit boundary, Ffion concluded that the pending permit variation application would be the mechanism for making any such request and must detail any monitoring point location changes and a reminder given that any access works to the Rudbaxton must risk assess and review any impacts on or permissions required given the catchments SAC designation.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

## Important information

### Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

### Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

### How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

**What are suspended scores?**

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

**Full list of Industry and Waste action criteria (used in section 1 and 2):****A: Permitted activities**

- A1 Specified by permit

**B: Infrastructure**

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

**C: General management**

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

**D: Incident management**

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

**E: Emissions**

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

**F: Amenity**

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

**G: Monitoring and records, maintenance and reporting**

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

**H: Resources efficiency**

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

**Enforcement response**

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

**Data protection notice**

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or 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
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

**Disclosure of information – this report will be available to view on-line**

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

**What do I do if I disagree with the report or have a complaint?**

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

**Welsh Language Standards**

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.