

Compliance Assessment Report CAR_NRW0040530

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: Check Monitoring/Sampling, Reason: Routine.

On 11/10/2022.

Parts of permit assessed: 3.1 Monitoring 4.2 Reporting

NRW Lead Officer: Ffion Thomas.

Report sent to: Phil Ridley, Business & Development Director on 11/10/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E2 - Emissions - Land and groundwater	C3 Minor	3.1.5 Table S4.5 ref Table S1.3 IC7a-d agreed monitoring limits
E2 - Emissions - Land and groundwater	C3 Minor	3.1.5 Table S4.5 Table S1.3 IC7a-d
E2 - Emissions - Land and groundwater	C3 Minor	3.1.5 Table S4.5 Table S1.3 7a - d

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

Total number of non-compliances recorded	Total non-compliance score
3	12

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?

Criteria	Action needed	Complete by
E2	Revised HRA and permit variation due with proposed revised GW emission limits for permit determination.	30/12/2022
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Action criteria codes are listed in the 'Important information' section below.

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

This compliance Assessment report form was completed following Withyhedge submission of the Q2 monitoring returns.

The submission was made by Withyhedge TCM Phil Ridley and included questions raised in the monitoring report. Below are my comments to the questions raised in the Q2 2022 monitoring report and further in this CAR form are the compliance assessment and scoring of emission breaches recorded for the q2 2022 period.

- Response comments to questions raised in Q2 monitoring report:

Previous CAR form that was completed following the introductory visit where we discussed monitoring and IC's (CAR form CAR_NRW0040096) agreed the Ground water emission limits. Following archive reviews of previously agreed IC7b submissions (see archive CAR 5093 related to IC7b including Ground water emission limits)

The final monitoring schedule was agreed, (note - final version 6 was later agreed via email correspondence to the version 5 quoted in CAR form CAR_NRW0040096)

The schedule v6 and CAR5093 include the agreed cadmium and nickel limits at the boreholes referenced in the Q2 monitoring report, so it is these limits that will be used in assessing compliance.

There were actions assigned in CAR_NRW0040096 related to submissions against outstanding IC7's, a deadline of the 3rd October was agreed, No submission or written request for extension has been received, but I have received assurance via verbal update provided by your consultant Ewan Thomas of Geotechnology and site manager Howard Eavns, that works on reviewing the HRA and compiling the permit variation, which may include new proposed Ground water limits, are ongoing and a verbal request for 1 months extension requested.

ACTION – submit written request following verbal dialogue for an extension with timeframe

Previous monitoring submissions, I've been unable to find Q1 2022 submissions by the previous operators in mine or my teams inbox. The previous year 2021 assessment included a score for missing submissions, and assessment was made of the 2021 Q3 and Q4 submissions and scores were applied where applicable.

In our introductory site meeting we verbally agree that retrospective monitoring assessment scoring would not be pursued, based on the new directorship now managing the site and using their updated monitoring schedule (version 6 discussed above) which has been agreed and aligns to the limits in the permit including NRW archive written agreements.

Reminder, a schedule 6 notification part A is required to be submitted within 24hours of detection for breaches of a limit, see permit condition 4.3.1 and a copy of the form to be used (condition 4.3.2) can be found within your permit under schedule 6. Future schedule 6 notifications are to be sent to the industry regulation email

industryregulation.swwales@cyfoethnaturiolcymru.gov.uk

NRW will look to complete any schedule notifications assessment at the end of each quarter reporting frequency (end of Q plus 1 month) which will provide time for the completion of Part B notifications, detailing investigatory outcomes and mitigations (see part B of Schedule 6)

- Assessment of permit breaches of Q2 2022 monitoring

Condition 3.1.5 of the environmental permit states

The trigger levels for emissions into groundwater for the parameter(s) and monitoring point(s) set out in schedule 4 table S4.5 shall not be exceeded.

Table S4.5 of Schedule 4 to the environmental permit is partially reproduced below with added note.

Table S4.5 Trigger levels for emissions to groundwater and monitoring requirements – (continued) -Phase 2

Emission point ref. & location	Parameter	Limit (including unit)	Monitoring frequency	Reference period	Monitoring standards or method
AIGBH105	Cadmium	0.002mg/l or other limit agreed (in writing) in accordance with improvement condition, reference 3 ² of Table S1.3	Monthly ¹	Spot Sample	Unless otherwise agreed in writing with the Agency, monitoring methods used shall be in accordance with Environment Agency document 'Guidance on monitoring of landfill leachate, groundwater and surface water' (LFTGN02)
	Ammoniacal Nitrogen	0.5 mg/l	Monthly, unless otherwise agreed in writing with the Agency	Spot Sample	
	Nickel	0.031 mg/l	Quarterly	Spot Sample	
BH20	Nickel	0.05 mg/l	Quarterly	Spot Sample	

¹ After a twelve-month monitoring period, the monitoring frequency shall be reduced from a monthly to quarterly frequency.

² Believed to be a typo and should read improvement condition, reference 7 of Table S1.3

Table S1.3 Improvement programme requirements continued

Reference	Requirement	Date
7b	Following completion of the consolidated HRA the operator shall review trigger levels to groundwater. The operator shall review all relevant groundwater monitoring data, and produce a written report which shall include, but not be limited to, the following issues: • Based on the monitoring data new trigger levels for groundwater shall be derived and/ or existing levels justified for inclusion in table S4.5 • Previous estimates made in relation to travel time and peak concentrations from the plume of groundwater contamination from phase 1 should be reviewed. • Future Control and Trigger levels for groundwater, in order to reduce trigger levels once plume has passed, should be proposed. • The operator shall propose action levels for leachate parameters for phase 1 of the landfill for inclusion in table S4.9 • The above reviews shall be in accordance with Agency guidance document "Hydrogeological Risk Assessment for Landfills"(LFTGN01) and section 4.2 of Golders Report "Groundwater Control and Trigger Levels" dated September 2008 (Reference 08514290087.500/A.2) and LFTGN02 Guidance on Monitoring of Landfill Leachate, Groundwater and Surface Water.	Within 18 months of issue of the permit

Previous CAR form that was completed following the introductory visit where we discussed monitoring and IC's (CAR form CAR_NRW0040096) agreed the Ground water emission limits. Following archive reviews of previously agreed IC7b submissions (see archive CAR 5093 related to IC7b including Ground water emission limits)

The final monitoring schedule was agreed, (note - final version 6 was later agreed via email correspondence to the version 5 quoted in CAR form CAR_NRW0040096)

Emissions monitoring data submitted on 13 September 2022 for the quarter (monitored in May) reported that bore hole AIGBH105 measured the following exceedances:

Total ammonical nitrogen result was 0.89 mg/l.

cadmium result was 0.0187 mg/l

Nickel result was 1.3 mg/l.

BH20 measured:

Nickel result was 0.144 mg/l.

These are exceedance of permitted emission limits and represents **non-compliance** with the environmental permit.

In undertaking emission limit assessments applicable consolidation of scores have been applied as per the NRW & landfill sector emissions monitoring agreement: *"NRW made a commitment to review scoring guidance and ensure a proportionate and consistent approach. For assessment activities taking place from the start of 2022 emission limit breaches from **groundwater boreholes** and **perimeter landfill gas wells** will be consolidated when:*

a) exceedances have occurred at different monitoring points (e.g. different

boreholes) *BUT*

*b) the breaches occurred within the same monitoring period (i.e. Q1, Q2, Q3 or Q4)
AND*

*c) for the same emission parameter with a limit (e.g. ammoniacal nitrogen). If
another parameter (e.g. phenol) breaches its limit a separate score would be
applied.*

*NRW is currently reviewing and updating its guidance on compliance assessment. This
interpretation and approach will be included in the Annex for landfills.”*

**As a result of these non-compliance 3 x CCS Score C3 have been recorded against
compliance sub-criteria (E)(2) consolidated as per the**

END.

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 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

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.