

Compliance Assessment Report

Report ID:
CAR_NRW0034012

This form will report compliance with your permit as determined by an NRW officer

Site	Docksway Landfill	Permit Ref	DP3733BK		
Operator/Permit holder	Newport City Council				
Regime	Installations				
Date of assessment	04/10/2018	Time in	N/A	Out	N/A
Assessment type	Check Monitoring/Sampling				
Parts of the permit assessed	Monitoring returns				
Lead officer's name	Willey, David				
Accompanied by					
Recipient's name/position	Jonathan Davey/ Landfill Manager	Date issued	05/10/2018		

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
B1 - Infrastructure - Engineering for prevention and control of emissions	C3	3.6.1
E1 - Emissions - Air	C3	3.6.1
E2 - Emissions - Land and groundwater	C3	3.6.1
E3 - Emissions - Surface water	C3	3.6.1

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	4	Total compliance score (see section 5 for scoring scheme)	16
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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

CAR Form for monitoring returns received by NRW

Completed actions

ACTION: NCC to provide annual monitoring for the required locations and associated parameters as listed in the Area 1 Closure Plan Dated February 2013. – *Completed.*

ACTION: To ensure there are no future breaches of the amount of waste accepted, and if NCC expect to receive similar annual tonnages, NCC should apply to vary the permit increasing the amount of wastes accepted. – *Completed.*

ACTION: NCC to confirm the compliance limits for the replacement monitoring wells GW12_30, GW12_33 and GW12_38. – *Completed.*

ACTION: NCC to look at the requirements of the permits, closure report and discharge consents to ensure monitoring is undertaken in line with the appropriate requirements. – *Completed.*

ACTION: Please submit the missing data. – *Completed, the requirement is now quarterly.*

ACTION: NCC to continue to monitor and investigate the reasons for these exceedances. – *Completed.*

Previous actions carried forward since the last CAR Form issued on 18th February 2018

ACTION: Permit condition 4.2.2 (g) requires a calculation of the remaining void to be submitted in the annual report. Please could NCC ensure this is submitted? - Carried forward.

Improvement condition 4 – carried forward: It is not clear whether any baseline conditions have been set. Monitoring has been undertaken in December 2017. Despite this monitoring undertaken whilst the cell was operational presented no asbestos fibres detected demonstrating that there are likely to be no other potential sources of asbestos in the area as well as the asbestos cell itself not emitting any asbestos fibres? - Carried forward.

Improvement condition 5 – carried forward: NRW do not appear to have the full CQA validation report referred to. Please could NCC submit? - Carried forward.

Actions from the CAR Form dated 15th December 2017.

ACTION: NRW to consider this request and respond to NCC. – Carried forward.

A letter was received from Peter Brett Associates LLP in April 2017 requesting that the submission of the annual environmental performance reports be changed from an annual submission to a five-yearly submission. Monitoring will remain in line with requirements of the closure plan with any exceedances or any abnormal trending will be reported to NRW.

The Area 1 closure plan dated Feb 2013 Ref: DW13-CP01 requires annual monitoring for groundwater, leachate and surface water as specified in Table 3.1d.

This was discussed during the meeting and it wasn't clear what part of the annual submission was looking to be changed. NCC suggested that this could be the topographic survey. Please could NCC / Peter Brett detail what parts of the monitoring for Area 1 they are proposing to change?

Annual Environmental Review for Area 2 – 2017

The report includes the following sections with the following NRW comments:

Surface water – no comments

Groundwater – Proposed compliance limits have been received and agreed for GW12_30, GW12_33 and GW12_38 calculated based on data collection.

Leachate – no comments

Surface water returns – no comments

Landfill gas monitoring – no comments

Annual production – there is no reference to the amount of void left at the site.

ACTION: Please could you provide detail on the amount of void left at the site?

Surface water monitoring returns

The following surface water returns have been received by NRW with associated comments:

Round 167 (January) – no comments

Round 168 (February) - no comments

Round 169 (March) – no comments

Round 170 (April) - no comments

ACTION: Please confirm why only one location monitored in this round?

Round 171 (May) - no comments

Round 172 (June) - no comments

Round 173 (July) - no comments

Round 174 (August) – no comments

The surface water monitoring for Cell 3A (asbestos cell) has not had the monitoring submitted in line with the requirements of Table S3.2 of the permit in the permit EPR/DP3733BK. The permit requires monthly monitoring of the following:

Suspended solids

- COD
- Ammoniacal nitrogen
- pH
- Asbestos fibres
- Oil and grease

Considered a Category 3 breach of permit condition 3.6.1 for not submitting the required monitoring data for the months November to December 2017 and January to August 2018.

ACTION: Please ensure that the monitoring required as part of permit condition 3.6.1 and Table S3.2 is undertaken and submitted to NRW within the appropriate timescales.

Reporting forms are available for submitting the data. A copy of the forms that were supplied on issue of the varied permit will be sent alongside the issued Car Form.

Groundwater returns

The following groundwater returns have been received by NRW with associated comments:

Round 169 – there was a breach of the Nickel control level and the compliance level at GW09_32. There had not been an exceedance before this and there was not an exceedance in round 172.

There was also quite a high exceedance at GW07_40 for potassium. There have been exceedances at this well before, this will be monitored for future trends.

GW12_33 showed an exceedance of the control level but not the compliance level. This will also be monitored in the future monitoring returns.

Considered to be a category 3 breach of permit condition 3.6.1.

ACTION: Please could you confirm the status of well GW03_09 (damaged) and GW06_14a (unable to pump).

Leachate monitoring

Leachate monitoring has been received for rounds 169, 172, 173 and 174. Exceedances of the 2 metre limit were recorded at LF08_07, C1B, C2A, C2B and C2C. Control of the leachate levels has improved with only marginal exceedances with the exception of C2B and C2C.

Considered to be a category 3 breach of permit condition 3.6.1.

ACTION: Please could you submit the leachate levels for Rounds 167, 168, 170 and 171. We appear to be

missing these rounds.

The submitted data shows a decrease in the amount of leachate being remove from site in 2018.

ACTION: Please could NCC submit the leachate removed from site during April and June 2018.

Gas monitoring

The following gas monitoring returns have been received by NRW with associated comments:

Round 169 – There were exceedances of the methane trigger levels at GP09_18 and GP05_20. GP09_18 has constantly breached the limit with the June reading increasing sine the last few rounds.

Round 172 – High exceedances were recorded at GP09_18, GP18B, GP18_18C and GP05_20.

Considered to be a category 3 breach of permit condition 3.6.1.

ACTION: Please could NCC confirm the locations of the new gas wells GP18B and GP18_18C.

Gas monitoring was submitted for the permit EPR/NP3199FM (EAWML30058) Round 006AC. The report concluded that the methane, carbon dioxide and oxygen concentrations continue to exceed the trigger levels at many of the monitoring locations, this is however in line with the overall trend for the Area 1 landfill. These levels should be watched closely to ensure levels do not increase leading to the potential for a subsurface fire.

Air monitoring at asbestos cell

Air monitoring has been received as required by permit condition 3.6.1 and Table S3.8 for 2017 for the period January to June and July to December. The data did not indicate any exceedances of the associated limits.

To enable the data to be useful please could NCC submit the monitoring data using the reporting form Particulate1 01/01/16. The forms will be sent alongside the issued Car Form.

ACTION: Please could you submit the asbestos monitoring data for 2018 for the period January to June.

CQA reports

Cell 4 Basal Lining – received June 2018

CQA was received in June 2018 for the Cell 4 Basal Clay Lining in Area 2. Details of the CQA Inspector were submitted with the design in line with the submitted HRA 2005. The liner is designed to meet the requirements of LFE 4.

Retro Drilling of Gas Wells – received April 2018

ACTION: Please ensure / confirm that the proposed 6th Well has been raised.

Waste returns

ACTION: Please confirm the 5986.44 tonnes of waste exported from the site for biological treatment is the leachate extracted and removed from the site.

Waste returns have been received Q1 and Q2 for both permits EPR/DP3733BK and EPR/NP3199FM. Hazardous waste returns for the asbestos cell have also been received for Q1 and Q2 2018.

Composting pad

ACTION: Please could NCC confirm how the waste is tracked through waste acceptance, the composting process and exporting from site.

Permit variation

In 2017 the waste input exceeded the permitted amount. To avoid this from occurring again the site should vary their permit and justify increasing the permitted waste input. The assessment should look at:

- Incorporate new compliance limits for GW12_30, GW12_33 and GW12_38.
- Incorporate new leachate wells and gas wells
- Revised stability assessment
- Revised GASSIM assessment
- Revised Hydrological Risk Assessment

Waste acceptance at site

A recent site inspection highlighted the need for improved inspection of incoming loads to sites. Due to lorries being larger to reduce the amount of vehicles on the roads the inspection becomes more difficult due to the high sides. The initial inspection on the weighbridge is an important step to waste being accepted at site prior to it being taken up onto the landfill, or before entering the transfer station.

ACTION: NCC to consider the installation of cameras to inspect high sided vehicles on the weighbridge.

END

EPR Compliance Assessment Report

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Site	Docksway Landfill	Permit Ref	DP3733BK
Operator/Permit holder	Newport City Council	Date	04/10/2018

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.

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.

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			
E1	C3	Continue to monitor and improve operations	30/11/2018
B1	C3	Continue to monitor and bring back into compliance	30/11/2018
E2	C3	Monitor and investigate trending	30/11/2018
E3	C3	Please ensure that the monitoring required as part of permit condition 3.6.1 and Table S3.2 is undertaken and submitted to NRW within the appropriate timescales.	30/11/2018

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.