

Compliance Assessment Report CAR_NRW0040662

Permit being assessed: MP3835SV.

For: Silent Valley Landfill Site, held by Silent Valley Waste Services Ltd

At: Beechwood House , Ebbwvale, Blaenau Gwent, NP23 6PZ.

Type of assessment carried out: Unknown, Reason: Other.

On 14/11/2022.

Parts of permit assessed: 2.9 Landfill Gas Management

NRW Lead Officer: Luke Burton.

Report sent to: Noel Chard, Technical Manager on 14/11/2022.

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	Action only (X)	

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?

Criteria	Action needed	Complete by
B1	Confirm who your new landfill gas contractor will be post 12 December 2022. Document how the current duties and responsibilities of NEGL for gas collection, delivery and control, and flare will be transferred seamlessly from NEGL to the contractor working on behalf of SVWS from 12 December 2022. Document the steps you will take to ensure all gas generated by the landfill will be diverted to the flare from 12 December 2022. Provide a revised landfill gas management plan, should your above answers change any of the content of your current plan.	28/11/2022

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

Novera Energy Generation No. 2 Limited (NEGL) currently hold the environmental permit, reference EPR/ZP3535SQ, for the utilisation of landfill gas arising from your landfill.

It is Natural Resources Wales' (NRW) understanding that NEGL are also Silent Valley Waste Service's (SVWS) appointed contractor for the collection and delivery of gas from the landfill site to the utilisation plant, as well as the treatment of collected condensate and activation the gas flare.

SVWS have made NRW aware that NEGL's lease to the land at the Silent Valley Generation Plant and other duties outlined above will end on 11 December 2022.

NRW understand that SVWS intend to hold the permit, reference EPR/ZP3535SQ, for the generation plant but will appoint a contractor to manage the day-to-day activities associated with the plant as well as other duties outlined above. At this stage, it is not known who the new contractor will be.

As such, SVWS have attempted to transfer the Silent Valley Generation Plant environmental permit from NEGL to SVWS. However, the application was returned as the current holder of the permit (NEGL) had not signed the application declaration.

SVWS have since indicated they wish to vary the landfill permit to include the utilisation of landfill gas activity. Please make the variation application as soon as possible and make continued efforts to get the current permit holder to agree to its transfer (as this is the easiest and most cost effective option).

If by the 12th December the permit for the landfill gas utilisation plant has not been transferred to you and you operate the plant, you will be doing so illegally and this may be met with an enforcement response (see '*Important Information*' below). Therefore, NRW expect that from this date you treat all landfill gas using the flare until SVWS are legally allowed to operate the utilisation plant (following variation or transfer being granted). N.B. flaring of gas under your permit (ref: MP3835SV) is allowed under Activity A3 and condition 2.9.2.

It is crucial that the management of landfill gas during the change between the current and prospective contractor is seamless to ensure continued compliance with the condition 2.9.1(a).

At present, it is unclear how duties and responsibilities associated with condition 2.9.1 will be transferred from NEGL to a prospective contractor working on behalf of SVWS from 12

December 2022.

For NRW to assess compliance with condition 2.9.1 please complete the following actions within 10 working days of the date of this CAR:

1. Confirm who your new landfill gas contractor will be post 12 December 2022.
2. Document how the current duties and responsibilities of NEGL for gas collection, delivery and control, and flare will be transferred seamlessly from NEGL to the contractor working on behalf of SVWS from 12 December 2022.
3. Document the steps you will take to ensure all gas generated by the landfill will be diverted to the flare from 12 December 2022.
4. Provide a revised landfill gas management plan, should your above answers change any of the content of your current plan.

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.