

Compliance Assessment Report CAR_NRW0041192

Permit being assessed: BT1908IX.

For: Palleg Landfill Phase II EPR/BT1908IX, held by JLA Disposal Limited

At: Tir Canol Palleg Road , Lower Cwmtwrch, SWANSEA, SA9 2QQ.

Type of assessment carried out: Report/Data Review, Reason: Routine.
On 31/12/2022.

Parts of permit assessed: 2022 monitoring submissions - see section 4

NRW Lead Officer: Michael Launder.

Report sent to: John Adams, Site Manager on 16/02/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor	3.6.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor	3.6.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor	3.6.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor	3.6.1
E2 - Emissions - Land and groundwater	C2 Significant	3.1.2
E2 - Emissions - Land and groundwater	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C2 Significant	4.3.2
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor	3.6.1
C2 - General Management - Management system and operating procedures	C2 Significant	1.1.1 and 4.2.1

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

Total number of non-compliances recorded	Total non-compliance score
8	113

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
G1	The operator must urgently submit the missing monitoring data for 2022 to the deadline specified. This includes leachate level data, surface water monitoring data, groundwater monitoring data, leachate chemistry data and landfill gas data (as detailed in section 4 of this report).	20/02/2023
G1	see action above	20/02/2023
G1	see above action	20/02/2023
G1	see above action	20/02/2023
E2	The operator to ensure that any Schedule 6 notifications are submitted to the timescales specified in the permit.	16/02/2023
E2	The operator will submit a report detailing the cause of the elevated ammoniacal nitrogen levels found in groundwater samples taken in November 2021. These elevated levels were found in three groundwater monitoring points.	31/03/2023
G4	The operator to ensure that Schedule 6 notifications are submitted to the timescales specified in the permit.	16/02/2023
G1	Operator to complete overdue repairs to GA9 Landfill Gas monitoring well. If the operator cannot repair the GA9 Landfill Gas well, they will need to submit a CQA plan to NRW (for approval) for the design and installation of a new replacement well for GA9.	31/03/2023
C2	The operator to ensure that all future monitoring is undertaken in accordance with the monitoring schedules specified in the EPR permit. The operator to submit the missing data (as detailed in section 4 of this report) for Q1, Q2, Q3 and Q4 2022 (where available). The operator must review their current monitoring programme as a matter of urgency, to ensure that the requirements set out in their permit are adhered to. If the operator fails to urgently implement these improvements, NRW may need to consider the issue of an enforcement notice.	24/02/2023

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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

Introduction

This is a partial assessment of the 2022 monitoring results which were provided in the following documents:

- *July to Dec 2022 Full Suite Leachate*
- *Jul to Dec GW*
- *Q2 Gas*
- *Q3 Gas*
- *Surface Water 5 (SW5) - 01.11.2022*
- *Surface Water 5 (SW5) - 30.11.2022*

This compliance assessment report has been undertaken using the monitoring schedules, as set out in the EPR Permit:

- EPR Permit BX1908IX - variation number: XP3230MQ - dated: 27/2/2007; and
- EPR Permit variation EP/BX1908IX/V004 - dated 21/2/2013

The 2022 Annual Monitoring Report and associated data required by condition 4.2.1 a) to k) was received on 13 February 2023 and was overdue. The report has not been assessed in this CAR - see action in Section 2.

2022 - Quarter 1 Monitoring

Groundwater Quarterly Monitoring - Q1 January to March 2022

- The groundwater monitoring results for the following monitoring points, as specified by the permit: GW2, GW3, GW4, GW5 & GW8 (over the January to March monitoring period) have not been submitted.

Compliance: The failure to undertake the groundwater monitoring at the locations and parameters specified in the permit (Table S4.4 and Table S4.10), for the Q1 period, are considered breaches of condition 3.6.1 (c).

Leachate Levels - Quarterly Monitoring - Q1 January to March 2022

- Leachate level monitoring results were not submitted to the quarterly frequency specified in the permit (Table S5.1)

Compliance: The failure to undertake the leachate level monitoring at all the locations specified in the permit (Table S4.1), for the Q1 period, are considered breaches of condition 3.6.1 (a).

Surface Water - Quarterly Monitoring - Q1 January to March 2022

- The monthly surface water results for S1, S2, S3, S4, S5, S6 and S7, over the January to March monitoring period, have not been submitted.

Compliance: The failure to undertake surface water monitoring at the locations and parameters specified in the permit (Table S4.3 and Table S4.9), for the Q1 period, are considered breaches of condition 3.6.1 (e).

Perimeter Landfill Gas - Quarterly Monitoring Reports - Q1 January to March 2022

- The monthly landfill gas monitoring results for GA7, GA8, GA9 and GA10, over the

January to March monitoring period, have not been submitted.

Compliance: The failure to undertake perimeter landfill gas monitoring at the locations and parameters specified in the permit (Table S4.5), for the Q1 period, are considered breaches of condition 3.6.1 (d).

2022 - Quarter 2 Monitoring

Groundwater Quarterly Monitoring - Q2 April to June 2022

- The groundwater monitoring results for the following monitoring points, as specified by the permit: GW2, GW3, GW4, GW5 & GW8 (over the April to June monitoring period) have not been submitted.

Compliance: The failure to undertake the groundwater monitoring at the locations and parameters specified in the permit (Table S4.4 and Table S4.10), for the Q2 period, are considered breaches of condition 3.6.1 (c).

Leachate Levels - Quarterly Monitoring - Q2 April to June 2022

- Leachate level monitoring results were not submitted to the quarterly frequency specified in the permit (Table S5.1)

Compliance: The failure to undertake the leachate level monitoring at all the locations specified in the permit (Table S4.1), for the Q2 period, are considered breaches of condition 3.6.1 (a).

Surface Water - Quarterly Monitoring - Q2 April to June 2022

- The monthly surface water results for S1, S2, S3, S4, S5, S6 and S7, over the April to June monitoring period, have not been submitted.

Compliance: The failure to undertake surface water monitoring at the locations and parameters specified in the permit (Table S4.3 and Table S4.9), for the Q2 period, are considered breaches of condition 3.6.1 (e).

Perimeter Landfill Gas - Quarterly Monitoring Reports - Q2 April to June 2022

- The monthly landfill gas monitoring results for GA10, over the April to June monitoring period, have not been submitted.
- The report for Q2 indicates that GA9 is awaiting repair.
- Results have been submitted for GA7 and GA8, but only for methane.

Compliance: The failure to undertake perimeter landfill gas monitoring at the locations and parameters specified in the permit (Table S4.5), for the Q2 period, are considered breaches of condition 3.6.1 (d).

2022 - Quarter 3 Monitoring

Groundwater Quarterly Monitoring - Q3 July to September 2022

- The groundwater monitoring results for the following monitoring points, as specified by the permit: GW2, GW3, GW4, GW5 & GW8 (over the July to September monitoring period) have not been submitted.

Compliance: The failure to undertake the groundwater monitoring at the locations and parameters specified in the permit (Table S4.4 and Table S4.10), for the Q3 period, are considered breaches of condition 3.6.1 (c).

Leachate Levels - Quarterly Monitoring - Q3 July to September 2022

- Leachate level monitoring results were not submitted to the quarterly frequency specified in the permit (Table S5.1)

Compliance: The failure to undertake the leachate level monitoring at all the locations specified in the permit (Table S4.1), for the Q3 period, are considered breaches of condition 3.6.1 (a).

Surface Water - Quarterly Monitoring - Q3 July to September 2022

- The monthly surface water results for S1, S2, S3, S4, S5, S6 and S7, over the July to September monitoring period, have not been submitted.

Compliance: The failure to undertake surface water monitoring at the locations and parameters specified in the permit (Table S4.3 and Table S4.9), for the Q3 period, are considered breaches of condition 3.6.1 (e).

Perimeter Landfill Gas - Quarterly Monitoring Reports - Q3 July to September 2022

- The monthly landfill gas monitoring results for GA10, over the July to September monitoring period, have not been submitted.
- The report for Q3 indicates that GA9 is awaiting repair.
- Results have been submitted for GA7 and GA8, but only for methane.

Compliance: The failure to undertake perimeter landfill gas monitoring at the locations and parameters specified in the permit (Table S4.5), for the Q3 period, are considered breaches of condition 3.6.1 (d).

2022 - Quarter 4 Monitoring

Groundwater Quarterly Monitoring - Q4 October to December 2022

- The groundwater monitoring results for the following monitoring point, as specified by the permit: GW2, GW3 and GW5 (over the October to December monitoring period) have been submitted.
- Groundwater monitoring results for monitoring points not specified by the permit: GW9 and GW10 have been submitted.
- The groundwater monitoring results for the following monitoring points, as specified by the permit: GW4 & GW8 (over the October to December monitoring period) have not been submitted.

Compliance: The failure to undertake the groundwater monitoring at the locations and parameters specified in the permit (Table S4.4 and Table S4.10), for the Q4 period, are considered breaches of condition 3.6.1 (c).

Compliance: The ammoniacal nitrogen levels detected in GW3, GW5 and GW10 exceeded the limits specified in the EPR permit. This is contrary to condition 3.1.2 of the permit.

Compliance: The failure to submit Schedule 6 notifications for the ammoniacal nitrogen compliance limit exceedance within 24 hours of detection is a breach of condition 4.3.2.

Leachate Levels - Quarterly Monitoring - Q4 October to December 2022

- Leachate level monitoring results were not submitted to the quarterly frequency specified in the permit (Table S5.1)

Compliance: The failure to undertake the leachate level monitoring at all the locations specified in the permit (Table S4.1), for the Q4 period, are considered breaches of condition 3.6.1 (a).

Surface Water - Quarterly Monitoring - Q4 October to December 2022

- The monthly surface water results for S1, S2, S3, S4, S5, S6 and S7, over the October to December monitoring period, have not been submitted.

Compliance: The failure to undertake surface water monitoring at the locations and parameters specified in the permit (Table S4.3 and Table S4.9), for the Q4 period, are considered breaches of condition 3.6.1 (e).

Perimeter Landfill Gas - Quarterly Monitoring Reports - Q4 October to December 2022

- The monthly landfill gas monitoring results for GA10, over the October to December monitoring period, have not been submitted.
- The report for Q3 indicates that GA9 is awaiting repair.
- Results have been submitted for GA7 and GA8, but only for methane.

Compliance: The failure to undertake perimeter landfill gas monitoring at the locations and parameters specified in the permit (Table S4.5), for the Q4 period, are considered breaches of condition 3.6.1 (d).

2022 - Six Monthly & Annual Monitoring

Leachate Chemistry

- The results of monitoring for the first six monthly suite have not been submitted in accordance with the requirements of the permit
- The results of monitoring for the second six monthly suite have been submitted in accordance with the requirements of the permit.
- The results of monitoring for the annual suite (specifically the List I Suite) have not been submitted in accordance with the requirements of the permit.

Ongoing Monitoring and Reporting Failures

In February 2021 (CAR_NRW0039445) NRW identified a series of deficiencies in the operators 2021 monitoring and reporting programme. Following this, the operator was provided with an opportunity in 2022 to address these as a matter of urgency and to implement the required improvements. This was to ensure that they complied with the monitoring and reporting requirements, as specified in their EPR permit. Despite this opportunity, the operator has not implemented the required improvements and the deficiencies noted in 2021 have been mostly repeated in 2022.

Compliance: This ongoing failure is considered a breach of condition 1.1.1 of the permit. Given the scale of the omissions, the importance of a robust monitoring regime and the fact that the operator has now had ample opportunity to comply with the requirements of the permit, NRW have determined this ongoing failure to be a potentially serious non-compliance.

Compliance Summary

1. Condition 3.6.1 - the monitoring failures identified in Quarter 1 have been assigned a non-compliance category of C3 under sub-criterion G1 Monitoring of emissions and environment. We have consolidated these scores over the Q1 monitoring period into one non-compliance score for the January to March period.
2. Condition 3.6.1 - the monitoring failures identified in Quarter 2 have been assigned a non-compliance category of C3 under sub-criterion G1 Monitoring of emissions and environment. We have consolidated these scores over the Q2 monitoring period into one non-compliance score for the April to June period.
3. Condition 3.6.1 - the monitoring failures identified in Quarter 3 have been assigned a non-compliance category of C3 under sub-criterion G1 Monitoring of emissions and environment. We have consolidated these scores over the Q3 monitoring period into one non-compliance score for the July to September period.
4. Condition 3.6.1 - the monitoring failures identified in Quarter 4 have been assigned a non-compliance category of C3 under sub-criterion G1 Monitoring of emissions and environment. We have consolidated these scores over the Q4 monitoring period into one non-compliance score for the October to December period.
5. Condition 3.1.2 - during Quarter 4 (24 November 2022), ammoniacal nitrogen levels at GW3, GW5 and GW10 exceeded the limits in the EPR permit. These have been assigned a non-compliance category of C3 under sub-criterion E2 Land and groundwater. We have consolidated these scores over the Q4 monitoring period into one non-compliance score for the October to December period.
6. Condition 4.3.2 - failure to submit Schedule 6 notification for the ammoniacal nitrogen compliance limit exceedances (24 November 2022) within the time limits specified in the permit. These have been assigned a non-compliance category of C3 under sub-criterion G4 Reporting and notification. We have consolidated these scores over the Q4 monitoring period into one non-compliance score for the October to December period.
7. Condition 4.2.1 - failure to submit Annual Report data as specified in condition 4.2.1 a) to k) and Tables S5.2 and S5.3. This has been assigned a non-compliance category of C4 under sub-criterion G4 Reporting and notification.
8. Condition 1.1.1a - the operators failure to have in place or to implement an

appropriate management system to ensure that the monitoring and reporting requirements of the site EPR permit are adhered to. This has been assigned a non-compliance category of C2 under sub-criterion C2 Management Systems and Operating Procedures.

The operator must review their current monitoring programme as a matter of urgency, to ensure that the requirements set out in the permit are adhered to. If the operator fails to urgently implement these improvements, NRW may issue an enforcement notice.

Note: This CAR report and assessment was actually undertaken on 10th Feb 2023. However to ensure that the non-compliance score is attributed to the correct financial year, the date on CARS system and on this CAR report has been presented as 31st Dec 2022.

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.