

Compliance Assessment Report CAR_NRW0041011

Permit being assessed: GP3030BE.

For: Shotton Works Landfill Site No 1 , held by Tata Steel UK Limited

At: Shotton Works Weighbridge Road , Deeside Industrial Park, Clwyd, CH5 2NH.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 30/12/2022.

Parts of permit assessed: SEE NOTES (Section 4)

NRW Lead Officer: Victoria Griffin.

Report sent to: Nick Price, Senior Energy and Environment Officer on 13/02/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E1 - Emissions - Air	Action only (X)	
E2 - Emissions - Land and groundwater	C3 Minor	Condition 3.1 & S4.1
E2 - Emissions - Land and groundwater	Action only (X)	
E2 - Emissions - Land and groundwater	Action only (X)	
E2 - Emissions - Land and groundwater	Action only (X)	
E5 - Emissions - Waste	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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
1	4

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
E1	Continue to investigate and provide justification for breach and apply for permit variation.	31/03/2023
E2	Investigate reason for increased leachate thickness and report to NRW.	31/03/2023
E2	Progress HRA and continue to investigate NH4 breaches and report to NRW.	31/03/2023
E2	Progress HRA and continue to investigate Zinc breaches and report to NRW	31/03/2023
E2	Progress HRA and continue to investigate Nickle breaches and report to NRW	31/03/2023

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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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 (CAR) has been generated by the Natural Resources Wales (NRW) regulating officer to comment upon the Annual Report and Q4 Monitoring Returns.

1. Q4 Monitoring Returns

Q4 2022 (October - December) monitoring results were submitted to NRW on 24/01/2023 in accordance with Condition 4.2.2.

S4.1 Leachate Levels (*permitted limit 1m above base of cell*)

Leachate Level in "Well" 1.96m on 22 November 2022

This is a breach of Condition 2.9.1 and has been scored a C3.

S4.2 Groundwater Monitoring Data (3 point moving average)

The current permit has set limits for Ammoniacal Nitrogen (NH₃), Zinc (Zn) and Nickel (Ni) on boreholes 1,2,9 and 10 only. The 3 point moving average breaches of the trigger levels (limits) are as follows:

NH₃ concentrations exceeding the limit (1mg/l)

- BH9 (1.15mg/l)
- BH10 (1.06 mg/l)

Zn concentrations exceeding the limits (BH1, BH9 & BH10 0.04mg/l & BH2 1.95mg/l)

- BH1 (0.15mg/l)
- BH9 (0.07mg/l)
- BH10 (0.06mg/l)

The above are in breach of Condition 3.1.2. Scoring not applied at this stage (see Actions).

S4.3 External Gas Monitoring Wells

The current permit has set permitted limits, Methane (CH₄) 1% v/v and Carbon Dioxide (CO₂) 1.5% v/v for BH1, 2, 8, 9 and 10.

- CO₂ exceeded the permitted limit in BH9 during October 2022 (2.5% v/v)

The above is in breach of Condition 3.1. Scoring not applied at this stage (see Actions).

S4.8 Groundwater

The current permit has set permitted limits, for NH₃, NI and Zn for BH1, 2, 9 and 10 only.

Ni concentrations exceeding the limit (0.027 mg/l)

- BH9 (0.039 mg/l)

Zn concentrations exceeding the limits (1.77mg/l for BH2 and 0.036mg/l for BH1, BH9 & BH10)

- BH1 (0.095mg/l)
- BH9 (0.072mg/l)
- BH10 (0.098mg/l)

The above breaches are replicated by the breaches in S4.2 Groundwater Monitoring Data (3 point moving average) and have not been scored.

Waste Received

Waste Received into landfill was 11.6 tonnes of Inert Construction Waste. No waste removed.

Schedule 6 Reports

A Schedule 6 Notification was submitted on 24 January 2023, in response to breaches of ELVs for Zinc, Ammoniacal Nitrogen, Carbon Dioxide and leachate levels during Q4. Tentative justifications for breaches have been provided. Measures taken or intended to be taken are, continued monitoring and evaluation of groundwater breaches and Operator to apply for a permit variation to amend limits.

2. Annual Report

The annual report was submitted to NRW via email on 25/01/23 as required by Permit Condition 4.2.1. The annual report comments on relevant areas on landfill operations as per the sub-criteria of Permit Condition 4.2.1 including production/treatment (S5.2) and performance parameters (S5.3).

The annual report goes some way to provide reasoning for the breaches recorded in 2022 but does not provide substantiated evidence. It is suggested that the source of the zinc breaches may be historical deposits at the landfill. The Operator is confident that the awaited Hydrogeological Risk Assessment (HRA) will inform decision making with regard to addressing the groundwater breaches for and /or informing revised ELVs where appropriate. The underlying geology (Coal Measures) and proximity of marshland is provided as justification for elevated CH₄ and CO₂ and reference is made to an

assessment which is reported to support this assumption.

Annual monitoring requirements for specific parameters for leachate (S4.6) in Cells 0, 1, 2 and 3/4 and for groundwater (S4.8) in BH1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, has been undertaken and the results have been provided.

3. Actions to be Undertaken by the Operator

There was an action in the previous CAR to investigate and report to NRW by the 31 January 2023 the reason for the leachate breaches, in order to ensure future compliance. NRW is yet to receive evidence from the Operator that the leachate levels are being managed in compliance with the Permit. **The Operator is required to investigate and report the reasons for continued leachate level breaches and provide NRW with a plan detailing how the Operator is going to return to compliance by the 31 March 2023.**

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.