

Compliance Assessment Report CAR_NRW0041082

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: Report/Data Review, Reason: Routine.

On 31/12/2022.

Parts of permit assessed: Q3 & Q4 Monitoring Returns

NRW Lead Officer: Rhodri Morgan.

Report sent to: Phil Ridley, Business & Development Director on 15/02/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Action only (X)	
E1 - Emissions - Air	C3 Minor	3.1.2
E2 - Emissions - Land and groundwater	Assessed (A)	
E3 - Emissions - Surface water	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.3.1

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
A1	Take steps to ensure compliance with the minimum extraction levels listed within the permit or address within next permit variation.	28/04/2023
E1	Ensure emissions throughout the site are compliant with the emission limits listed within the permit.	Already completed
G4	Submit 2021 annual report by 28 February 2023.	28/02/2023
G4	Ensure NRW are notified of all future non-compliances via the submission of a Schedule 6 notification.	Already completed

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

Resources Management (UK) Limited (RML) operates Withyhedge Landfill in accordance with Permit MP3330WP.

The site is a non-hazardous landfill that covers approximately 53 hectares and is managed in two phases; Phase 1 and Phase 2. Phase 1 operated on a dilute and disperse basis; accepting waste from 1985 until its closure in 2006. Phase 2 is the current active section of the Site.

Purpose of Compliance Assessment

The following monitoring returns and reports have been assessed within this Compliance Assessment Report (CAR):

1. Q3 2022 Monitoring Returns
2. Q4 2022 Monitoring Returns
3. Annual Report

Compliance Assessment

1. Q3 2022 Monitoring Returns

The operator submitted the Q3 2022 monitoring returns on the 27 October 2022, which is within the specified reporting window, representing compliance with the permit condition (4.2.3).

Leachate Monitoring

A total of 248.02 tonnes of leachate were removed off-site during Q3 2022.

Leachate level monitoring was undertaken to the frequency required by the permit (monthly/weekly). Leachate levels in all wells were compliant throughout the monitoring period, with no breach of the 1m limit recorded.

The total leachate volume extracted from boreholes LE1-LE6 was lower than the minimal monthly limit of 106 m³/month. While the low leachate extraction results coincide with a prolonged period of drought

experienced throughout the summer months, the site is potentially in breach of permit condition 2.8.1.

Action 041082/01: Take steps to ensure compliance with the minimum extraction levels listed within the permit or address within next permit variation.

Groundwater Monitoring

Over the reporting period, the required groundwater monitoring was undertaken, with no breaches of the trigger levels recorded.

Groundwater level monitoring was undertaken to the frequency required by the permit (monthly).

Surface Water Monitoring

The required surface water monitoring for the quarter was undertaken and the relevant data submitted.

The samples recovered at emission point D1 were within the permitted limits. Samples were unable to be recovered throughout July and August due to a lack of flow through the emission point.

Landfill Gas Monitoring

Fortnightly monitoring of the gas collection wells was undertaken, in compliance with Table S4.8 of the Permit.

Monitoring of the perimeter boreholes was undertaken to the frequency required by the permit (monthly). No exceedances of the emission limits listed within the permit were recorded.

2. Q4 2022 Monitoring Returns

The operator submitted the Q4 2022 monitoring returns on the 11 January 2023, which is within the specified reporting window, representing compliance with the permit condition (4.2.3).

Leachate Monitoring

A total of 4147.36 tonnes of leachate were removed off-site during the period October to December 2022.

Leachate level monitoring was undertaken to the frequency required by the permit (monthly/weekly). Leachate levels in all wells were compliant throughout the monitoring period, with no breach of the 1m limit recorded.

The total leachate volume extracted from boreholes LE1-LE6 was lower than the minimal monthly limit of 106 m³/month. While the low leachate extraction results reflect the low levels of leachate within the wells, the site is potentially in breach of permit condition 2.8.1.

Action 041082/01: Take steps to ensure compliance with the minimum extraction levels listed within the permit or address within next permit variation.

Groundwater Monitoring

Over the reporting period, the required groundwater monitoring was undertaken, with no breaches of the trigger levels recorded.

Groundwater level monitoring was undertaken to the frequency required by the permit (monthly).

Surface Water Monitoring

The required surface water monitoring for the quarter was undertaken and the relevant data submitted.

The samples recovered at emission point D1 were within the permitted limits. A sample was unable to be recovered in October due to a lack of flow through the emission point.

Landfill Gas Monitoring

Fortnightly monitoring of the gas collection wells was undertaken, in compliance with Table S4.8 of the Permit.

Monitoring of the perimeter boreholes was undertaken to the frequency required by the permit (monthly). The emission limit for Methane (1 % v/v), was breached in November during the monitoring of BH17. The Operator did not notify NRW of this emission limit breach.

The operator has suggested that the storage of topsoil within the vicinity of the borehole is the most likely cause of the elevated methane reading.

The breach of the methane emission limit is in contrary to condition 3.1.2 of the permit. As a result of this failure a non-compliance score of C3 has been allocated against compliance sub-criteria E1.

The failure to notify NRW of the emission breach is in contrary to condition 4.3.1 of the permit. As a result of this failure, a non-compliance score of C3 has been allocated against compliance sub-criteria G4.

3. Annual Report

A revised deadline has been agreed for submission of the 2022 annual report following a request from the operator.

The revised deadline for submission of the report will be the 28 February 2023.

Action 041082/02 - Submit 2021 annual report by 28 February 2023.

Note: This CAR report and assessment was undertaken on 15 February 2023. However, to ensure that the non-compliance scores are attributed to the correct financial year (for billing) the date on the CARS system has been altered to 31 December 2021.

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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.