

## Compliance Assessment Report CAR\_NRW0041247

**Permit being assessed:** DP3732SQ.

For: Bryn Pica Landfill EPR/DP3732SQ, held by Cynon Valley Waste Disposal Company Ltd

At: Bryn Pica Landfill Site , Llwydcoed, Aberdare, Rhondda-Cynon-Taff, CF44 0BX.

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

On 31/12/2022.

Parts of permit assessed: Annual Returns

**NRW Lead Officer:** Mostyn Wall.

**Report sent to:** Lee Foulkes, Technical Manager on 17/02/2023.

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

| Part of permitted activity assessed (criteria)                                                   | Assessment result | Permit condition |
|--------------------------------------------------------------------------------------------------|-------------------|------------------|
| 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 | 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 |
|------------------------------------------|----------------------------|
| 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 |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| G1       | A category 3 non-compliance is given due to the incomplete monitoring of groundwater Mecoprop during 2022 This is a breach under condition 3.6.1(c).<br><br>Site to complete groundwater monitoring in 2023. Site to explain the non-reporting of groundwater monitoring for Mecoprop in 2022. | 03/03/2023  |
| G1       | The multiple instances on non-reporting of groundwater monitoring is consolidated into a category 3 non-compliance. 3.6.1(c).                                                                                                                                                                  | 03/03/2023  |

| Criteria | Action needed                                                                                                                                                                                       | Complete by |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
|          | <p>Site to send NRW a schedule notification of any incomplete monitoring,</p> <p>Site to explain further why GW7 is not accessible for monitoring and to propose a way forward.</p>                 |             |
| G1       | Site to review the Hydrogeological risk assessment and the groundwater monitoring regime. The last HRA was in 2018. NRW recommends reviewing the groundwater monitoring non-compliances in the HRA. | 31/08/2023  |

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.

**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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                  |                     |                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------|-----------------------------------|
| Bryn Pica Landfill                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                  |                     |                                   |
| Permit DP3732SQ                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                  |                     |                                   |
| Q1, Q2, Q3, Q4 Results                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                  |                     |                                   |
| <b>Surface water 2022</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                  |                     |                                   |
| <p>From Permit variation V005, Permit condition S4.3 requires monthly spot sampling of points SW07, P3BUD and P4AUD for quarterly reporting of Suspended solids, Mineral oil, AmmNi, COD, pH for SW07, and AmmNi, COD, Chloride, and pH for the latter two points.</p> <p>P3BUD and P4AUD were combined into a single pipe below the landfill which discharges as 'BUD'. Because this point is a combination of 2 old monitoring points, BUD adopts the permit limits and monitoring frequency of P3BUD and P4AUD</p> |                  |                     |                                   |
| SW BUD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | AmmNi            | 5mg/l               | Monthly sample reported Quarterly |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | COD              | 30mg/l              |                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Chloride         | 250mg/l             |                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | pH               | 6-9                 |                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Suspended Solids | 50mg/trigger level* | Quarterly monitoring reported     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Zinc, Cadmium,   |                     |                                   |

|                                      |                                                                                                                  |                                                 |                                   |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------------------------|
|                                      | Mercury, Mecoprop, Naphthalene                                                                                   |                                                 | quarterly                         |
| SW7                                  | V005 limits apply                                                                                                |                                                 | Monthly sample reported Quarterly |
| SW1, SW3, SW4, SW8, SW10, SW11, SW12 | pH<br>Temperature<br>Electrical Conductivity<br>Dissolved Oxygen<br>AmmNi<br>Chloride<br>COD<br>Suspended Solids | 6-9<br><br>5mg/l<br>250mg/l<br>30mg/l<br>50mg/l | Monthly sample reported Quarterly |

Set by Bryn Pica Landfill Site Surface water management plan ref AM5456 April 2007 at 4.2.1.

- Note - SW1, SW3, SW10 are upstream and may bring excess deposits entrained within the water which has a bearing on the outflow.
- SW4a, SW8, SW11, SW12 and BPUD are downstream and are used to measure compliance to permit limits.
- Permit table S4.10 carries requirements for all new surface water monitoring points installed with the improvement programme to conform with the above criteria on permit V005 Table S4.10(2)
- NRW received the following Quarterly reports with the surface water wells measured.

|    |     |     |      |     |      |      |      |      |
|----|-----|-----|------|-----|------|------|------|------|
| Q1 | SW1 | SW3 | SW4a | SW8 | SW10 | SW11 | SW12 | BPUD |
| Q2 | SW1 | SW3 | SW4a | SW8 | SW10 | SW11 | SW12 | BPUD |
| Q3 | SW1 | SW3 | SW4a | SW8 | SW10 | SW11 | SW12 | BPUD |
| Q4 | SW1 | SW3 | SW4a | SW8 | SW10 | SW11 | SW12 | BPUD |

From the above reports and the sites Annual report there were no non-compliances, and the monitoring is compliant with the permit.

### Groundwater Monitoring 2022

Site measures 4 points, 1 upstream and 3 downstream. There were no exceedances in the measured volumes. There were a number of substances not monitored throughout the year.

List of missing data from Groundwater in 2022

- GW5 (The well was dry in Jun, Jul, Aug and Oct)
  - Zinc - Q3, Q3, Q4

- Cadmium, Q3, Q3, Q4
  - Mecoprop, Q2, Q3, Q4
  - Mercury, Q1, Q3, Q3, Q4
  - Naphthalene, Q3, Q3, Q4
- GW6
  - Zinc, Q4
  - Cadmium, Q4
  - Mercury, Q1, Q2, Q4
  - Mecoprop, Q1, Q2, Q3, Q4
  - Naphthalene, Q4
- GW7 was not sampled during the period due to access restrictions placed on Amgen by the landowner.
- GW07BH5
  - Zinc, Q4
  - Cadmium, Q4
  - Mercury, Q1, Q2, Q4
  - Mecoprop, Q1, Q2, Q3, Q4
  - Naphthalene, Q4

NRW received no notification for the missing data, reports or issues with borehole access. The individual missing Mecoprop data for all boreholes is potentially harmful to the environment and was also not reported in 2021.

**Non-compliance:** A category 3 non-compliance is given due to the incomplete monitoring of groundwater Mecoprop during 2022. This is a breach under condition 3.6.1(c). **It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit. Non-compliance score 4.**

**Non-compliance:** The multiple instances on non-reporting of groundwater monitoring is consolidated into a category 3 non-compliance. 3.6.1(c). **It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit. Non-compliance score 4.**

### Actions

- Site to complete groundwater monitoring in 2023.
- Site to explain the non-reporting of groundwater monitoring for Mecoprop in 2022.
- Site to send NRW a schedule notification of any incomplete monitoring
- Site to explain further why GW7 is not accessible for monitoring and to propose a way forward.
- Site to review the Hydrogeological risk assessment and the groundwater monitoring regime. The last HRA was in 2018. NRW recommends reviewing the groundwater monitoring non-compliances in the HRA.

### Leachate

Results for leachate depths were all within 1m from the base – all compliant with the permit.

### **Landfill Gas and Flare stack**

Throughout the period Jan 22 – Dec 22 Amgen Cymru carried out subsurface landfill gas monitoring at 15 fixed ground gas monitoring boreholes. In total, 178 samples were measured using the hand held gas analyser GA5000.

There are 20 listed boreholes, with 3 offline. Site produced comprehensive data from 17 boreholes. No permit limits apply or have been breached.

### **Reports Received**

Annual Report summary (received 14th Feb 2022 on prior arrangement)

- PC 4.2.5 – No improvement targets were set for 2022 – no update to report.
- Table S5.2 – Leachate, surface water and landfill gas cubic metres per year required by 14th Feb 2022 – Received. (Pc 4.2.1)
- Table S5.3 PI1 performance Indicators, potable water, energy used, and non-potable water used in 2022 – received (PC 4.2.1)
- Table S1.5 Quarterly waste inputs – submitted on time at each quarter during 2022. (PC4.2.3).
- Table S5.4 data including annual topographical survey. (PC4.2.1(g)) under 3.6.3 – received.

The volumetric difference calculated between the topographical surveys taken at Bryn Pica in Jan 2022 and Dec 2022 gives a fill volume during that period of 26,650 cubic meters.

The remaining capacity of the landfill is based on the December 2022 Phase 5A void survey, and the proposed basal design as submitted in the PPC, compared with the agreed Pre settlement Waste Contours prepared for the PPC. The remaining void calculated for the Bryn Pica Landfill Site is 2,797,510 cubic meters.

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](mailto: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](mailto: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.