

Compliance Assessment Report CAR_NRW0040949

Permit being assessed: AP3292LT.

For: Morfa Tip Closed Landfill Site, held by Tata Steel UK Limited

At: Port Talbot Works, Margam, Port Talbot, N P T, SA13 2NG.

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

On 08/02/2023.

Parts of permit assessed: Improvement Condition 7

NRW Lead Officer: Rhodri Morgan.

Report sent to: Nathan Ace , Head of Environment TSUK Operations on 16/06/2023.

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	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	
C2 - General Management - Management system and operating procedures	Action only (X)	
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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
G1	Action: CAR_NRW0040949.1 Undertake a further 12 months of monitoring to obtain data on seasonal variations.	28/01/2024
G4	Action: CAR_NRW0040949.2 Unless otherwise agreed in writing with Natural Resources Wales, review and present findings from the additional monitoring in the 2023 Annual Report.	28/01/2024
C2	Action: CAR_NRW0040949.3	28/07/2023

Criteria	Action needed	Complete by
	Develop and implement a monthly inspection and maintenance programme for the surface water drainage system and Recharge Trenches.	
C2	Action: CAR_NRW0040949.4 Develop and implement a weekly performance monitoring programme of the system.	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.

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

Introduction

Tata Steel UK Limited (Tata) maintains the unlined Morfa Closed Landfill (MCL) in accordance with Permit AP3292LT. The landfill stopped accepting waste and entered the aftercare period in April 2014, following the completion of capping works at the site.

A surface water drainage system has been installed upon the landfill cap along with a Recharge Trench System surrounding the landfill which have been designed to preserve groundwater levels within the neighbouring Margam Moors; a Site of Specialist Scientific Interest (SSSI).

An improvement condition (IC) was included within the permit, requiring a report to be submitted proposing the upper and lower groundwater levels for Recharge Trenches A and B following their completion.

Improvement Condition 7 - Groundwater Levels for Recharge Trenches A and B

The operator shall review all relevant monitoring data and produce a written report which shall propose:

- Upper and Lower Groundwater Levels for each of the Recharge Trenches A and B (as shown on drawing reference: Figure 8 Recharge Trench Alignment Revision 0, Dated 12.07).

The operator shall implement any improvements or measures as agreed in writing with Natural Resources Wales.

In order to discharge IC7, Tata submitted the following documents:

- Morfa Closed Landfill Recharge Trench – Recharge Trench Targets. Geotechnology Ltd, Report Number 2318r1v1d1222, December 2022.

The report was shared with NRW Geoscience colleagues for assessment and comment. The report concluded that:

- Groundwater and surface water levels surrounding the landfill and within the Margam Moors have been sustained throughout the capping and lining works to date.
- Further monitoring is required to fully understand the link between water levels in the Recharge Trenches and the Margam Moors.

NRW Comments

We note the suggestion to complete an additional 12 months of monitoring to obtain data on seasonal variations. We agree that at present the baseline condition for groundwater levels has been based on a few months where extreme weather events have been experienced. Further data is required during “normal” conditions over a full hydrological cycle to increase the baseline data set.

Action - Undertake a further 12 months of monitoring to obtain data on seasonal variations.

The recommendation of presenting the additional monitoring data within the 2023 annual report is supported. Following the submission and review of the additional monitoring data, discussions can be held regarding the suitability of compliance levels for the upper and lower groundwater levels within the recharge trenches.

Action - Unless otherwise agreed in writing with Natural Resources Wales, review and present findings from the additional monitoring in the 2023 Annual Report.

The recommendations listed within the submitted report should now be implemented to ensure suitable performance data is gathered and that the system remains operational.

Action – Develop and implement a monthly inspection and maintenance programme for the surface water drainage system and Recharge Trenches.

Action – Develop and implement a weekly performance monitoring programme of the system.

The improvement condition will remain active until the submission of the additional monitoring results (and your assessment). Once this is received (Jan 2024) we will re-visit the requirements of this improvement condition.

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.