

Compliance Assessment Report CAR_NRW0042164

Permit being assessed: BU8819IV.

For: Pwllfawatkin Landfill Site EPR/BU8819IV, **held by:** FCC Waste Services (UK) Limited

At: Pwllfawatkin Landfill Site , Pontardawe, SWANSEA, West Glamorgan, SA8 4RX.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 19/07/2023.

Parts of permit assessed: Please see details.

NRW Lead Officer: Michael Launder.

Report sent to: Richard Thomas, Operations Manager, on 21/07/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR4B - Information - Reporting	Assessed (A)	
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor (Suspended)	3.1.2 Emissions to water, air or land
IR3E - Emissions and monitoring - Monitoring	C3 Minor	3.6.1 Monitoring
IR3A - Emissions and monitoring - Emissions to water, air or land	C4 No impact	3.1.2 Emissions to water, air or land & 3.3.5 Fugitive emissions of substances

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

Total non-compliances recorded	Total non-compliance score
3	4.1

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
IR3A	The operator has submitted an application to vary their EPR permit, proposing changes to the ammoniacal nitrogen compliance limits affected by this non-conformance. This is	Already completed

Criteria	Action needed	Complete by
	now awaiting determination by NRW's permitting service.	
IR3E	Operator to restore function of MW3SB monitoring well through desilting. If the operator cannot restore the function of well MW3SB, they will need to submit a CQA plan to NRW (for approval) for the design and installation of a replacement well. Operator to submit CQA plan to NRW (for approval) for design and installation of a new replacement well for MW4NB.	31/08/2023
IR3A	The operator has submitted an application to vary their EPR permit, proposing changes to the carbon dioxide compliance limits affected by this non-conformance. This is now awaiting determination by NRW's permitting service.	Already completed

Compliance 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

The purpose of this Compliance Assessment Report is an assessment of the Q1 2023 monitoring returns and compliance notifications.

Monitoring Returns

As required by permit condition 4.2.2 Reporting, the operator has submitted the Q1 2023 monitoring returns for all parameters required for leachate levels, emissions to water, groundwater levels, groundwater quality, and landfill gas.

Schedule 6 Notifications - Groundwater

- A Schedule 6 notification submitted to NRW on 30 January 2023 gives the measured Ammoniacal Nitrogen result at monitoring point BH11B as 1.5 mg/l against the permit limit of 1 mg/l.
- A Schedule 6 notification submitted to NRW on 14 March 2023 gives the measured Ammoniacal Nitrogen result at monitoring point BH11B as 1.4 against the permit limit of 1 mg/l.

In both of the above submissions, the measures taken to stop emissions are stated as *"Permit variation submitted to adjust the trigger level within this borehole due to the locality of a mine that is thought to influence the chemistry of this boreholes water quality and the recorded result is below the proposed revised limit for BH11B which is 4.0 mg/l."*

These are exceedances of the current permitted emission limits and represent non-compliance with the environmental permit. However the non-compliance score will be suspended pending determination of the permit variation submitted by the operator on 15 August 2022. The score is suspended with the following caveat; if the impact of the exceedance changes, the "permission" is limited to the specifics of this instance, it is time limited and if the application is not successful the scores will be applied retrospectively.

Compliance: The above results are in exceedance of the emission limits set in the permit for BH11B and in breach of condition 3.1.2. A non-compliance score of C3 against criteria IR3A Emissions to water, air or land has been allocated to these breaches over the Q1 2023 January to March reporting period.

In accordance with NRW's non-compliance scoring guidance, the non-compliance scores for these breaches during Q1 2023 reporting period have been consolidated into one non-compliance score.

Schedule 6 Notifications - Leachate Levels

Schedule 6 notifications submitted to NRW relating to MW3SB were received for leachate levels on 25 January 2023 and 24 March 2023, reporting measured leachate levels of 160.67 and 160.47 mAOD respectively, above the permit specified limit of 160.4 mAOD.

These are exceedances of the permitted levels and represent non-compliance with the environmental permit. The measures taken to stop the emission are reported as *"Well PWLMW3SB shown to have silt build up on camera survey blocking well, pump to be installed to keep level down as liquid is perched in well above silt."* The operator reported in February 2023 that the permitted limit of 160.4 mAOD was achievable with further desilting effort, however this limit was then exceeded during the March 2023 monitoring round.

Schedule 6 notifications submitted to NRW relating to MW4NB were received for leachate levels on 25 January 2023, 23 February 2023 and 24 March 2023, reporting leachate levels of 169.76 mAOD in each instance, above the permit specified limit of 159.78 mAOD. The measures taken to stop the emission are reported as *"Well PWLMW4NB pinched blockage at 24m, confirmed by camera survey."*

A further e-mail from the operator states that well MW4NB will be *"redrill[ed] when access allows . . . following capping and remediation with soils."*

Compliance: The above instances represent a failure to monitor leachate levels in breach of condition 3.6.1 Monitoring. A non-compliance score of C3 against criteria IR3A has been allocated to these breaches over the Q1 2023 January to March reporting period.

In accordance with NRW's non-compliance scoring guidance, the non-compliance scores for the breaches during Q1 2023 have been consolidated into one non-compliance score.

Action: Operator to restore function of MW3SB monitoring well through desilting. If the operator cannot restore the function of well MW3SB, they will need to submit a CQA plan to NRW (for approval) for the design and installation of a replacement well.

Action: Operator to submit CQA plan to NRW (for approval) for design and installation of a new replacement well for MW4NB.

Schedule 6 Notifications - Gas Monitoring

Schedule 6 notifications submitted to NRW give the measured CO₂ results at monitoring points GB00HD, GB00HE and GP0017 on 25 January 2023 as 3.8% vol, 3.2% vol and 3.1% vol respectively against the permit limit of 1.5% vol above background concentrations.

Schedule 6 notifications submitted to NRW give the measured CO₂ results at monitoring points GB00HD and GB00HE on 16 February 2023 as 1.8% vol and 2.6% vol respectively against the permit limit of 1.5% vol above background concentrations.

The remedial measures in the notifications note that "*ICoP for CO₂ submitted to adjust the trigger level within these boreholes*".

This is an exceedance of permitted emission limits and represents a breach of the environmental permit. As per the agreed ICOP and compliance approach we will score a breach of a carbon dioxide compliance limit as having no environmental impact (actual or potential) applying a non-compliance score of C4.

Compliance: The above results are in exceedance of the emission limits set in the permit and contrary to condition 3.3.5 Fugitive emissions of substances. As a result of this breach, a non-compliance score of C4 has been recorded against compliance criteria IR3A Emissions to water, air or land over the Q1 2023 January to March reporting period.

In accordance with NRW's non-compliance scoring guidance, the non-compliance scores for these breaches during Quarter 1 2023 reporting period have been consolidated into one non-compliance score.

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.

If your assessment result in Section 1 is suspended, what does this mean?

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 compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.