

Compliance Assessment Report

Report ID:
CAR_NRW0035311

This form will report compliance with your permit as determined by an NRW officer

Site	Docksway Landfill	Permit Ref	DP3733BK		
Operator/Permit holder	Newport City Council				
Regime	Installations				
Date of assessment	16/05/2019	Time in	10:00	Out	14:00
Assessment type	Check Monitoring/Sampling				
Parts of the permit assessed	Annual returns,waste returns, site inspection				
Lead officer's name	Willey, David				
Accompanied by	Ward, Tyrone,Warwick-Brown, David				
Recipient's name/position	silvia.gonzalez-lopez@newport.gov.uk/ Waste and Cleansing Service Manager	Date issued	28/06/2019		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
C2 - General Management - Management system and operating procedures	C2	1.1.1
C3 - General Management - Materials acceptance	C2	2.6.7
E1 - Emissions - Air	C3	3.6.1
	C3	3.6.1
E2 - Emissions - Land and groundwater	C3	3.6.1
	C3	3.6.1

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	6	Total compliance score (see section 5 for scoring scheme)	78
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

CAR Form for 2018 monitoring returns received by NRW

Completed actions

ACTION: NRW to consider this request and respond to NCC.

A letter was received from Peter Brett Associates LLP in April 2017 requesting that the submission of the annual environmental performance reports be changed from an annual submission to a five-yearly submission. Monitoring will remain in line with requirements of the closure plan with any exceedances or any abnormal trending will be reported to NRW.

ACTION: Please ensure that the monitoring required as part of permit condition 3.6.1 and Table S3.2 is undertaken and submitted to NRW within the appropriate timescales.

Monitoring has been submitted for all parameters, however, there is some missing data in the submitted returns.

ACTION: Please could you confirm the status of well GW03_09 (damaged) and GW06_14a (unable to pump)?

These groundwater wells remain identified on the submitted monitoring location plan.

ACTION: Please could you submit the leachate levels for Rounds 167, 168, 170 and 171. We appear to be missing these rounds.

Completed.

ACTION: NCC to consider the installation of cameras to inspect high sided on the weighbridge.

Completed.

ACTION: Please could NCC submit the leachate removed from site during April and June 2018?

Completed.

Actions carried forward

ACTION: Permit condition 4.2.2 (g) requires a calculation of the remaining void to be submitted in the annual report. Please could NCC ensure this is submitted? - Carried forward.

Improvement condition 4 – carried forward: It is not clear whether any baseline conditions have been set. Monitoring has been undertaken in December 2017. Despite this monitoring undertaken whilst the cell was operational presented no asbestos fibres detected demonstrating that there are likely to be no other potential sources of asbestos in the area as well as the asbestos cell itself not emitting any asbestos fibres? - Carried forward.

Improvement condition 5 – carried forward: NRW do not appear to have the full CQA validation report referred to. Please could NCC submit? - Carried forward.

ACTION: Please could NCC confirm the locations of the new gas wells GP18B and GP18_18C.

ACTION: Need to ensure / confirm that the proposed 6th Well has been raised.

ACTION: Please could NCC confirm how the waste is tracked through waste acceptance, the composting process and to exporting from site.

Annual Environmental Review for Area 2 – 2018

The annual report includes the following sections with associated NRW comments. Commentary on the submissions are discussed in the returns section with additional comments listed below.

- Surface water quality monitoring – no comments
- Groundwater – Proposed compliance limits for GW12_30, GW12_33 and GW12_38 were agreed in the CAR Form issued on 5th October 2018.
- Leachate – no comments
- Landfill gas monitoring – no comments
- Landfill gas generation produced 5938MWh in 2018.

Monitoring returns

ACTION: NCC to submit electronic copies of monitoring returns only, hardcopies are no longer required.

Surface water monitoring returns

The surface water monitoring for Cell 3A (asbestos cell) is now included in the monitoring rounds. The permit requires monthly monitoring of the following:

The following surface water returns have been received by NRW with associated comments:

- Round 175 (September 2018) – no monitoring was submitted for Round 175
- Round 176 (October 2018) – no comments
- Round 177 (November 2018) – no comments
- Round 178 (December 2018) – no comments
- Round 179 (January 2019) – no comments
- Round 180 (February 2019) - no comments
- Round 181 (March 2019) – The only data submitted during this round was for DO. The other results will be submitted on return from the lab.
- SW 25 and SW 26 monitoring has been undertaken in line with the associated discharge consents.

There are inconsistencies in the submitted returns with some parameters missing.

ACTION: NCC to provide suitable justification for not undertaking and submitting data for round 175 and to ensure the parameters in the permit / discharge consents are submitted.

Groundwater returns

The following groundwater returns have been received by NRW with associated comments:

Round 175 (submitted as 176) – There were no exceedances of the parameters in the quarterly returns. Also submitted in this round was the annual screen. There were exceedances of the detection limits for dichlobenil at GW06_39 and GW07_07, triallate at GW0931 and GW09_35 and atrazine at GW12_38.

Round 178 – recorded breaches of the compliance level for ammoniacal nitrogen at GW06_37 and GW06_39.

Considered to be a category 3 breach of permit condition 3.6.1.

Round 181 – recorded breach of the compliance limit for arsenic

Considered to be a category 3 breach of permit condition 3.6.1.

Leachate monitoring

Leachate monitoring has been received for rounds 175, 176, 177, 178 and 179.

There was no monitoring undertaken for round 175. This has been identified by NCC with measures put in place to avoid this from occurring again.

Exceedances of the 2-metre limit were recorded at LF08_07, C2B and C2C. Control of the leachate levels continues to improve.

Exceedances are considered to be a category 3 breach of permit condition 3.6.1.

Gas monitoring

The following gas monitoring returns have been received by NRW with associated comments:

Round 175 – breach of the trigger level at GP09_18 with a value of 32.6%.

Round 178 – breaches of methane at GP03_06 and GP05_16, GP05_17 and GP09_18 with GP09_18 recording breaches for the last few monitoring rounds.

Round 181 – breaches of methane at GP05_17 and GP09_18

Considered to be a category 3 breach of permit condition 3.6.1.

Air monitoring at asbestos cell

Air monitoring has not been received as required by permit condition 3.6.1 and Table S3.8 in 2018.

Data should be submitted using the reporting form Particulate1 01/01/16.

ACTION: Please could you submit the asbestos monitoring data for 2018

Considered to be a category 3 breach of permit condition 3.6.1.

CQA reports

The following reports have been received.

Area 2, Cell 4a Basal Clay Lining – received May 2019

Area 2, Cell 4b Basal Clay Lining – received February 2019

Area 1 landfill site

The following returns have been received for Area 1 landfill:

Annual Gas 007AC and 008AC received.

For the round 008AC there is missing date for NCC2, NCC3, NCC5, NCC6, GP03_13, GP03_02 and GP03_01 with no explanation.

ACTION: Please could NCC provide justification for not undertaking monitoring during this round at these locations.

Annual groundwater and leachate monitoring reports received. Breaches of EPH at GW03_02 and GW03_05 were recorded. Dichlobenil exceeded the detection limit at GW30_02 and GW07_07 with Azinphos Ethyl and BIS (2-Ethylhexyl)phthalate (SVOC) exceeding the detection limit at GW03_02. Concentrations of Nickel were recorded and breached the compliance level of 4.6ug/l.

Waste returns and waste acceptance

Waste returns have been received Q3 and Q4 for both permits EPR/DP3733BK and

EPR/NP3199FM.

Hazardous waste returns for the asbestos cell have also been received for Q3 and Q4 2018.

The total waste received to Area 2 landfill was 149,916.4 tonnes. This exceeds the permitted amount of 103,500 tonnes by 46,416.4 tonnes. This is a significant exceedance of the permitted allowable waste. The CAR Form issued on the 28th February 2018 and 5th October 2018 recommended the site vary their permit to increase their capacity following the site exceeding the limit in 2017 with the site accepting 129,759.4 tonnes. The site should have applied for a permit variation with the relevant associated risk assessments or ensure compliance with the permit limits.

Following a site inspection on the 13th September 2018 there were inconsistencies with incoming material and the associated waste coding. The site had increasing amounts of minerals accepted to site during 2018 as 19 12 09 (stated as Fines Minerals Sand and stone). Quantities are as follows:

2018

Q1 - 21839.28

Q2 – 16415.06

Q3 – 15000.68

Q4 – 12244.26 and 3151.46

TOTAL – 68650.74 tonnes

The acceptance of the 19 12 09 has significantly increased the annual throughput to the site exceeding the permitted allowable amounts that are:

Non-hazardous wastes – 51,750 tonnes

Inert waste – 41,400 tonnes

Hazardous wastes – 10,350 tonnes

TOTAL 103,500 tonnes

Considered to be a category 2 breach of permit condition 2.6.7. The CAR Form issued on 28th February (and associated breach) and the CAR Form issued on 5th October 2018 advised the operator to apply for a permit variation to allow for the increased tonnages to site. The category 2 breach was foreseeable with previous CAR Forms providing the relevant advice.

Considered a category 2 breach of permit condition 1.1.1 of the sites EMS where the measures in place to record the cumulative waste accepted was not followed. The site submits quarterly waste returns that provide a running total of waste accepted to site. There are mechanisms in place to track waste input and the exceedance demonstrates the lack of control over waste acceptance.

NCC need to ensure compliance with the permit. NCC need to demonstrate that they have appropriate measures in place to ensure permit compliance or submit a permit variation to increase the permitted waste limits.

ACTION: NCC to inform NRW of their intentions to ensure compliance at the site. Failure may lead to an Enforcement Notice being served under Regulation 36 of The Environmental Permitting (England and Wales) Regulations 2016.

HWRC site inspection

A site inspection was undertaken of the HWRC. The storage areas appeared in good condition with no obvious signs of contamination or pollution.

Photo 1: Waste storage area at HWRC



Photo 2: Waste storage area at HWRC



Photo 3: Oil storage tank



The site explained that there had been an incident with the oil storage tank that has now been replaced. The site confirmed that all surface water is diverted through interceptors on site before being discharged to the river.

ACTION: Docksway to confirm the interceptor type and associated maintenance checks that are in place to ensure they are working effectively.

Photo 4: Storage of AdBlue



Photo 5: Storage of AdBlue



Newport CC are currently replacing the black bins with smaller bins as part of their plans to encourage recycling and avoid the amount of waste sent for disposal. The older black bins are collected and recycled on site with the use of a shredder. The shredded plastic material is then sent from site for further recycling. The site has provided the associated exemption and has provided evidence of the transfer notes for the movement of the material.

The storage of AdBlue was noted with insufficient containment in place in the event of a spill or IBC failure.

ACTION: NCC to ensure there is adequate containment in place for the storage AdBlue.

Composting facility inspection

The HWRC began composting at the site in early 2019 with the material meeting the PAS 100 standard.

Photo 6: Compost from 10mm screen



Photo 7: Bunding around composting area



Photo 8 and 9: Evidence of plastic in compost



Photo 10: Windrows



The site has achieved PAS 100 for compost produced at site and has an outlet for the material. Whilst on site and on closer inspection there was evidence of plastic in the 25mm screened compost, the compost that was screened to 10mm had visibly less plastic contamination.

ACTION: NCC to provide the PAS 100 certificate at the site for producing compost and the associated procedures in place to ensure their compost meets the requirements of the PAS protocol.

ACTION: NCC to provide techniques and plans to remove the plastic contamination in the compost produced. Stricter waste acceptance and screening would reduce the potential for plastic contamination.

ACTION: Please could NCC provide copies of the latest certificates held by appropriate staff at the site.

END

EPR Compliance Assessment Report

**Report ID:
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Site	Docksway Landfill	Permit Ref	DP3733BK
Operator/Permit holder	Newport City Council	Date	16/05/2019

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
C2	C2	Ensure EMS reflects the permits limits and that there is sufficient training doe site staff to recognise and limit waste accepted	30/08/2019
C3	C2	NCC to provide details of how waste input will be controlled within limits or apply for permit variation	30/08/2019
E1	C3	Please provide monitoring data as required by permit	30/08/2019
E1	C3	Continue trending to ensure moving towards compliance	30/08/2019
E2	C3	Trend ongoing monitoring	30/08/2019
E2	C3	Trend ongoing monitoring	30/08/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.