

Compliance Assessment Report CAR_NRW0042724

Permit being assessed: GP3030BE.

For: Shotton Works Landfill Site No 1 , **held by:** Tata Steel UK Limited

At: Shotton Works Weighbridge Road , Deeside Industrial Park, Clwyd, CH5 2NH.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 31/10/2023 - 02/11/2023.

Parts of permit assessed: SEE NOTES (Section 4).

NRW Lead Officer: Victoria Griffin.

Report sent to: Nick Price, Senior Energy and Environment Officer, on 02/11/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Management - General management	C3 Minor	Condition 1.1
IR2I - Operations - Leachate levels (only applicable to landfill)	C3 Minor	Condition 2.9.1
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	Condition 3.1
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	Condition 3.1
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	Condition 3.1.2
IR4B - Information - Reporting	Assessed (A)	
IR4C - Information - Notification	C3 Minor	Condition 4.3

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

Total non-compliances recorded	Total non-compliance score
6	24

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
IR1A	Management system procedure failure - see below	31/01/2024
IR2I	Breach of leachate head - see below	30/11/2023
IR3A	CO2 breach - ELVs subject to variation application determination	Already completed
IR3A	CH4 breach - ELVs subject to variation application determination	Already completed
IR3A	Zinc Breach - ELVs subject to variation application determination	Already completed
IR4C	Schedule 6 Notifications - see below	30/11/2023

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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

Q3 2023 (July - September) monitoring results were submitted to NRW on 25 October 2023 in accordance with Condition 4.2.2.

Q3 Monitoring Returns

S4.1 Leachate Levels (Condition 2.9.1)
(permitted limit 1m above base of cell)

- Leachate Level in "Well" 1.17m on 10 August 2023.

This is in breach of Condition 2.9.1 and has been scored a C3.

S4.2 Groundwater Monitoring Data (3 point moving average)

The current permit has set limits for Ammoniacal Nitrogen (NH3), Zinc (Zn) and Nickel (Ni) on boreholes 1,2,9 and 10 only.

The 3 point moving average breaches of the trigger levels (limits) are as follows:

Zn concentrations exceeding the limits (BH1, BH9 & BH10 0.04mg/l & BH2 1.95mg/l)

- BH1 (0.08mg/l)
- BH9 (0.06mg/l)
- BH10 (0.10mg/l)

The above are in breach of Condition 3.1.2 and has been scored a C3.

S4.3 External Gas Monitoring Wells (Condition 3.1)

The current permit has set permitted limits, Methane (CH₄) 1% v/v and Carbon Dioxide (CO₂) 1.5% v/v for BH1, 2, 8, 9 and 10.

- CO₂ exceeded the permitted limit in BH1 during July (1.8% v/v), August (2.1% v/v) and September (1.8% v/v)
- CO₂ exceeded the permitted limit in BH8 during July (2.4% v/v) and August (2.5% v/v)
- CO₂ exceeded the permitted limit in BH9 during July (4.1% v/v), August (4.4% v/v) and September (5.0% v/v)
- CO₂ exceeded the permitted limit in BH10 during July (2.6% v/v), August (2.2% v/v) and September (2.6% v/v)

The above are in breach of Condition 3.1 and has been scored a C3.

- CH₄ exceeded the permitted limit in BH8 during July (2.5% v/v)
- CH₄ exceeded the permitted limit in BH9 during July (4.0% v/v) and August (11.4% v/v)

The above are in breach of Condition 3.1 and has been scored a C3.

Waste Received Q3

Waste Received into landfill was 32.04 tonnes of Inert Construction Waste. No waste removed.

Schedule 6 Notification: Part A & B

Schedule 6 Part A & B Notifications were submitted in response to breaches of permit conditions for leachate thickness, Zinc concentration and levels of Carbon Dioxide and Methane, as outlined in the Q3 returns review above.

Ongoing justifications and mitigation proposals for breaches are being investigated. Measures taken or intended to be taken are, continued monitoring and evaluation of groundwater breaches. The Operator has also submitted an application to vary the permit variation to amend limits.

The dates of Schedule 6 Part A & B Notifications and other dates provided on the reports are summarised in the table below:

Date of Detection	Date of Monitoring	Date Results Received	Date Part A Submitted to NRW	Date Part B Submitted to NRW
11/07/2023	06/07/2023	-	12/07/2023	26/07/2023
03/08/2023	03/08/2023	-	08/08/2023	24/10/2023

10/08/2023	10/08/2023	25/08/2023	15/09/2023	24/10/2023
27/09/2023	27/09/2023	28/09/2023	24/10/2023	24/10/2023

The above shows Part A Notifications are not submitted within the required 24 hours specified by the permit (see action below). **This is a breach of Condition 4.3 and has been scored a C3.**

There are several discrepancies on the submitted Schedule 6 reporting forms submitted during Q3. These include the use of different templates, missing data (submitted retrospectively) and unexplained time lags between the date of monitoring and the submission of the Part A Notification. These collective discrepancies represent a failure of the management system (see action below). **This is a breach of Condition 1.1 and has been scored a C3.**

Actions to be Undertaken by the Operator

- **ACTION 1:** Previous CARs required the Operator to submit supplementary information in support of proposals to develop a procedure to manage leachate levels by 31 August 2023. NRW has yet to receive this information. Operator to respond to email from NRW dated 9 June 2023 **by 30 November 2023.**
- **ACTION 2:** Inform NRW of all permit breaches in accordance with Condition 4.3. Schedule 6 Part A(b) of the Permit requires that **breaches are to be notified within 24 hours of detection.**
- **ACTION 3:** Review management procedures and staff training associated with notifying NRW of limit breaches and /or significant adverse environmental effects as outlined in Condition 4.3 and Schedule 6 of the permit. Submit procedures to NRW for review by **30 November 2023.**

Comments

The Operator submitted a permit variation application which was Duly Made 29 September 2023. The variation included a request for changes to groundwater ELVs for ammoniacal nitrogen, nickel and zinc and amendments to landfill gas limits (CO2 and CH4).

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.