

Compliance Assessment Report CAR_NRW0042816

Permit being assessed: MP3330WP.

For: Withyhedge Landfill, **held by:** Resources Management U.K Limited

At: Withyhedge Landfill Bowlings House , Rudbaxton, Haverfordwest, Pembrokeshire, SA62 4DB.

Type of assessment: Site Inspection,

Reason: Routine.

On: 02/11/2023 between 09:00 and 14:00.

Parts of permit assessed: Site Inspection.

NRW Lead Officer: Rhodri Morgan, accompanied by Elliot Jones.

Report sent to: Phil Ridley, Business & Development Director, on 17/11/2023.

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	Assessed (A)	
IR2G - Operations - Landfill engineering (only applicable to landfill)	Action only (X)	
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.1
IR2A - Operations - Permitted activities	Assessed (A)	
IR3F - Emissions and monitoring - Pests	Assessed (A)	
IR4B - Information - Reporting	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
1	4

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
IR2G	Action 042816/01 – Investigate the source of the water beneath the FML and determine if there has been any impact	29/12/2023

Criteria	Action needed	Complete by
	to the containment system of Cell 8.	
IR3A	Put in place immediate measures to prevent the discharge of contaminated surface water at the unauthorised emission point.	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

Withyhedge Landfill

Resources Management (UK) Limited (RML) operates Withyhedge Landfill in accordance with Permit MP3330WP.

The site is a non-hazardous landfill that covers approximately 53 hectares and is managed in two phases. Phase I operated on a dilute and disperse basis; accepting waste from 1985 until its closure in 2006. Phase II is the current active section of the Site.

Introduction

An unannounced site inspection of the landfill was undertaken on the 2nd November 2023, following a spate of odour complaints from the surrounding community. NRW were escorted around the permitted installation by Karl Smith.

The site inspection was limited to areas away from the tipping and active sections of the landfill, this is due to internal (NRW) restrictions on landfill inspections. We were also not permitted to inspect the landfill gas utilisation compound, for the same reason.

Site Observations

Odour Assessment

Prior to attending Site, an odour assessment was undertaken at several points within the surrounding community; including locations within Bethlehem, Spittal and Treffgarne.

The inspection coincided with Strom Ciaran which resulted in strong north westerly winds. No landfill gas odours were detected offsite; however, on approaching the Site via the access roadway landfill gas odours were detected.

Landfill Gas Management

The operator should ensure that all appropriate measures are taken to prevent the migration of landfill gas from the Site. This includes ensuring that each of the gas wells are connected to the gas extraction system and that the system as a whole is functioning effectively.

A CQA plan for the installation of the 25 gas wells was submitted and approved by NRW in February 2023 (CAR_NRW0041383).

The gas wells lie in the active and recently covered wastes and cover a variety of cells including 3, 4N, 5N, 5S and 6. An additional seven gas wells have been proposed by the operator in a recently supplied drawing.

Twelve of the gas wells have been installed and connected in areas where active waste disposal has ceased.

The operator should ensure the remaining gas wells are installed and connected to the site's landfill gas extraction system as a matter of urgency. The operator is reminded that they are required to submit the gas well location and drilling details for the remaining wells in advance of any proposed works.

Operational Area – Cell 7

The operational area (Cell 7) was visually inspected from the recently constructed Cell 8. A suitable intermediate cover appears to have been installed over non-operational areas of the cell including the southern flank.

The Site was reminded of the importance of the daily cover material, especially as the cell nears capacity and landfilling activities are visible offsite.

Landfilling activities within Cell 7 appear to be approaching the permitted pre-settlement levels. The operator must take measures to ensure the pre-settlement levels are not exceeded.

The operator will also need to ensure that when waste operations move into Cell 8 (if authorised by NRW), that adequate sealing layers (i.e., thick intermediate covers, ideally temporary capping or phased permanent capping) are installed on the current operational area; at the permitted topography levels. Gas extraction wells must be installed in these areas as soon as practicable.

Landfill Engineering – Cell 8 (Phase I) Construction

NRW officers inspected the recently constructed section (Phase I) of Cell 8, which is being constructed in a phased manner.

Phase I consists of the basal tray and the lower side slopes. Phase II consists of the placement of the geocomposite on the upper slopes and will commence following the filling of the lower section of the cell. The phased approach to the construction of the cell was agreed in order to avoid wind damage to the Geocomposite on the upper side slopes.

The CQA Validation Report for Phase I of Cell 8 remains outstanding. No disposal of waste can take place in the new cell until the CQA Validation Report has been submitted and NRW has confirmed that it is satisfied with the report.

During the inspection, water was noted to be present beneath the flexible membrane liner (FML). This can present a risk to the integrity of the cell's containment system and must be investigated as a matter of urgency. The operator identified that it is aware of the issue will provide comment within the CQA Validation Report.



Figure 1 - Cell 8

Surface Water Management

During the Site visit an unauthorised (surface water) discharge contaminated with suspended solids, was noted along the north-eastern corner of the site (NGR SM 96333 21703).

Surface water in this area is managed via a pumping system which discharges into a series of surface water ponds, connected to the Site's permitted discharge point (D1). The operator was instructed to stop the discharge immediately and later confirmed this had been achieved following improvements to the pumping system. The operator must put in place immediate measures to ensure that this does not occur again.

The discharge of contaminated surface water at an unauthorised emission point is considered a breach of condition 3.1.1. In accordance with non-compliance scoring guidelines a non-compliance score of C3 has been allocated.

It is understood that the surface water management plan for the Site is being reviewed as part of an impending permit variation.

Annual Waste Limit

At the current rate of landfilling there is a risk that the Site may exceeded the annual waste limit (250,000 Tonnes) listed within the permit. The waste tonnages for each quarter have been summarised in the below table:

- Q1 2023 – 80,149.6 Tonnes
- Q2 2023 – 58,028.66 Tonnes
- Q3 2023 – 77, 201.94 Tonnes

Appropriate measures must be in place to ensure the annual waste limit is not exceeded. This includes regular waste input reviews, and if required, a reduction in landfilling activities.

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.