

## Compliance Assessment Report CAR\_NRW0043016

**Permit being assessed:** PP3139GB.

**For:** Hafod Quarry Landfill Site, **held by:** Enovert North Limited

**At:** Hafod Quarry Landfill Bangor Road, Johnstown, Wrexham, LL14 6ET.

**Type of assessment:** Report/Data Review,

**Reason:** Routine.

**On:** 07/12/2023.

**Parts of permit assessed:** Q3 (July - September 2023) monitoring returns .

**NRW Lead Officer:** Jamie Blythin.

**Report sent to:** Ian Craven, Regional Manager, on 21/12/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2I - Operations - Leachate levels (only applicable to landfill)	C3 Minor	2.7.1
IR3E - Emissions and monitoring - Monitoring	C3 Minor	3.5.5
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.7
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.5

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

Total non-compliances recorded	Total non-compliance score
4	16

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
IR2I	Action 1- Refer to R36 Statutory Notice served 21/12/23.	31/01/2024
IR3E	Action 2- Ensure all leachate wells are accessible by 31 March 2024.	31/03/2024

Criteria	Action needed	Complete by
IR3A	Action 3 - Provide NRW with the results of your investigation into the origin of the gas contained in the southern perimeter wells.	29/02/2024
IR3A	Action 4- Continue to review monitoring results for elevated chloride levels in future samples. If identified in Q4 results, carry out an investigation into the cause and provide NRW with a written update.	31/01/2024

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

This Compliance Assessment Report follows the review of Q3 (July-September) 2023 monitoring returns and Schedule 5 notifications. Monitoring data was submitted to Natural Resources Wales (NRW) on 31/10/23 in accordance with Permit Condition 4.2.3.

#### Leachate

Leachate levels were monitored monthly in accordance with Condition 3.5.1(a) and Table S31. (Leachate level limits and monitoring requirements). Transducer readings were provided for some monitoring wells.

During Q3 a total of 3,404m<sup>3</sup> of leachate was tankered offsite for treatment. Leachate heads between 1.02 and 31.94 m were recorded against a compliance limit of 2m.

With reference to Schedule 5 notifications HAF 340 (July), HAF342 (August) and HAF345 (September), there were 22 instances reported where the recorded leachate level was greater than the compliance limit of 2m (excluding transducer readings). NRW considers this a breach of Permit Condition 2.7.1 (IR21-Leachate levels-C3).

**Action 1** - Refer to Regulation 36 Statutory Notice served 21/12/23 for required actions.

Condition 3.5.5 states *Permanent means of access shall be provided to enable sampling/monitoring to be carried out in relation to the emission points specified in schedule 3 tables S3.1, S3.2 and S3.3 unless otherwise agreed in writing by Natural Resources Wales.* Access has not been maintained at the leachate wells to allow for the monitoring and sampling as detailed in the permit. NRW considers this a breach of Permit Condition 3.5.5 (IR31E-Monitoring-C3).

**Action 2** - Ensure all leachate wells are accessible by 31 March 2024.

### Landfill gas

Perimeter gas monitoring was undertaken in accordance with Condition 3.5.1(d) and Table 3.6 (Landfill gas in external boreholes).

With reference to Schedule 5 notifications HAF339 (July), HAF341 (August) and HAF343 (September) there were 31 instances during Q3 where methane (CH<sub>4</sub>) levels in perimeter gas wells exceeded the 1% compliance limit.

HAF339 (July)- Elevated methane concentrations were recorded in the following boreholes:

BHHA10(B)  
BHHA10(M)  
BHHA10(T)  
HAFGB01  
HAFBG04b  
HAFGB05,  
HAFGB06a  
HAFGB71  
HAFGB07b  
HAFGB09  
HAFGB12

Values between 2.1-47.8% methane were recorded.

HAF341(August)- Elevated methane concentrations were recorded in the following boreholes:

HAFGB01  
HAFGB04a  
HAFGB06a  
HAFGB07a  
HAFGB08  
HAFGB09  
HAFGB12

Values between 4.8-32.4% methane were recorded.

HAF341 (September)- Elevated methane concentrations were recorded in the following boreholes:

HAFGB01  
HAFGB04b  
HAFGB05

HAFGB06a  
HAFGB07a  
HAFGB08  
HAFGB09  
HAFGB12  
BH HA10(B)  
BHHA10(M)  
BHHA10(T)

Values between 1.8 and 32.9% methane were recorded.

NRW considers this a breach of permit condition 3.1.7 (IR3A-Emissions to water, air or land-C3). The limits for landfill gas specified in Schedule 3-table S3.6 shall not be exceeded.

The Operator contends that the gas in these wells is mine gas and they have completed investigations into this, including isotope analysis (as stated in annual report 2022). They intend to vary the permitted Emission Limit Value (ELV) to reflect this.

**Action 3** - Provide NRW with the results of your investigation into the origin of the gas contained in the southern perimeter wells.

Monthly in waste landfill gas monitoring was undertaken in accordance with Condition 3.5.1(d) and Table S3.8.

## Groundwater

Groundwater monitoring was undertaken in accordance with Condition 3.5.1(c) and Tables S3.5 (Groundwater-emission limits and monitoring requirements) and S3.11 (Groundwater-other monitoring requirements).

With reference to the following Schedule 5 notification HAF344 GW (Sept 23), on 13/09/23, monitoring point BHHA12C(B) recorded a chloride value of 240mg/l, the compliance limit is 200mg/l. NRW considers this a breach of permit condition 3.1.5 'The trigger levels for emissions into groundwater for the parameter(s) and monitoring point(s) set out in schedule 3 table S3.5 shall not be exceeded.' (IR3A-Emissions to water, air or land-C3).

It is noted that high levels of chloride were also recorded in monitoring point BHHA6A(B) 04/09/23- 490mg/l. However there is no compliance trigger level associated with this monitoring point.

**Action 4** - Continue to review monitoring results for elevated chloride levels in future samples. If identified in Q4 results, carry out an investigation into the cause and provide NRW with a written update.

Samples were not taken at the following emission points as there was insufficient liquid to sample: BHHA1A(T),BHHA5(T), BHHA9A(T),BAHA9B(M),BHHA11B(T) and BHHA12A(T).

Monthly groundwater levels were provided.

The operator has provided data for priority hazardous substances for groundwater. Not all hazardous substances analysis has been provided for the leachate monitoring points. This data will therefore be reviewed as part of the Q4 monitoring return.

### **Surface water**

Surface water monitoring was completed in accordance with Condition 3.5.1(b) and (e), Tables S3.3 (point source emissions to water-emission limits and monitoring requirements) and S2.10 (surface water-other monitoring requirements).

### **Particulates**

Both monitoring points were within the compliance limits (200mg/m<sup>2</sup>/day) specified in table S3.12.

The NW monitoring point recorded an inferred dust deposition rate of 45.2mg/m<sup>2</sup>/day.

The SE monitoring point recorded an inferred dust deposition rate of 34.1mg/m<sup>2</sup>/day.

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](mailto: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](mailto: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.