

Compliance Assessment Report CAR_NRW0043453

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: 31/12/2023.

Parts of permit assessed: Q4 Monitoring Submission.

NRW Lead Officer: Benjamin Taylor.

Report sent to: Richard Thomas , Operations Manager, on 14/02/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	Permit Condition 3.1.3.
IR4B - Information - Reporting	Assessed (A)	
IR4C - Information - Notification	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
IR3A	Operator to investigate potential sources of Ammoniacal Nitrogen within WB019 and submit findings to NRW.	26/04/2024

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.

At this time, we do not intend to take any further action.

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

Introduction

This Compliance Assessment Report (CAR) is an assessment of the monitoring results and associated Schedule 5 notifications submitted by the operator covering the Quarter 4 (Q4) October to December 2023 by FCC Waste Services (UK) Ltd (the Operator).

Scope

The following monitoring data has been assessed within this Compliance Assessment Report (CAR):

- Excel Data – Leachate Levels.
- Excel Data – Point Source Emissions to Air.
- Excel Data – Point Source Emissions to Water.
- Excel Data – Groundwater Quality Monitoring.
- Excel Data – Perimeter Landfill Gas Monitoring.
- Schedule 5: Notifications.

Q4 2023 Monitoring Returns

The monitoring data for the period Q4 2023 was submitted to NRW on the 17th of January 2024. The submitted data contained all informative requirements outlined within permit condition 4.2.3a and as a result is **compliant**.

The data was sent within the reporting period (28 days), which is **compliant** with permit condition 4.2.3.

Leachate Level Limits

Limits regarding leachate levels associated with the Landfill Cells are specified within Schedule 3: Table S3.1 of the permit.

The operator submitted three Schedule 5 notifications over the course of Q4 regarding leachate levels at collection well PWLMW4NB. As reported within previous CARs (referenced CAR_NRW0042746-2023 Q3) the depth of leachate associated with PWLMW4NB remains unconfirmed (reported as 169.76maod), this is due to the integral deformation of the well at 24mbgl.

A CQA plan and specification for redrilling was approved by NRW on 16th of October 2023. Due to the currently exposed liner, the well is not accessible for redrilling until a sufficient depth of restoration soil has been laid to allow access to a drilling rig, this will minimise risk of damaging the membrane surface. The operator has confirmed on a recent Site inspection carried out on the 16th of January 2024 that their intention is to prioritise this access when laying restoration soil.

In accordance with NRW's non-compliance scoring guidance, the non-compliance scores for the breaches of the leachate levels at PWLMW4NB remain **suspended** while the proposed well installation is carried out.

The score is suspended with the following caveat: the suspension is limited to the specifics of this instance, it is time limited to six months from the date of issue of CAR_NRW0042746-2023 Q3 (16th of November 2023), and if the replacement of the well is not completed in a timely manner the scores can be applied retrospectively.

Point Source Emissions to Air

Air emission parameters and limits are specified within Schedule 3: Table S3.2 of the permit.

There were no reported exceedances of the specified emission limit values (ELV) to air throughout Q4.

Point Source Emissions to Water (Other than Sewer)

The parameters and associated ELVs regarding point source emissions to controlled waters are specified within Schedule 3: Table S3.3 of the permit.

There were no reported exceedances of the specified emission limit values (ELV) to controlled waters throughout Q4.

Groundwater Quality

The parameters and associated ELVs regarding groundwater quality are specified within Schedule 3: Table S3.4 of the permit.

The operator submitted three Schedule 5 Notifications (detailed within Table 1) regarding exceedances of the ELV of Ammoniacal Nitrogen, which is specified as 1.0mg/l within the permit.

Borehole Reference	Monitoring Date	Detection Date	Parameter	Measured Value
WBH11B	11/09/2023	10/10/2023	Ammoniacal Nitrogen (N:mg/l)	1.3mg/l
WBH11B	12/10/2023	31/10/2023	Ammoniacal Nitrogen (N:mg/l)	1.2mg/l
WBH11B	09/11/2023	23/11/2023	Ammoniacal Nitrogen (N:mg/l)	1.5mg/l

Table 1: List of exceedances of permitted levels detailed within Table S3.2

These exceedances are contrary to condition 3.1.3 of the permit, which is specified below.

'The limits given in Table S3.2 shall not be exceeded, save that compliance with an emission limit in that table shall include incorporation of the uncertainty allowance stated in Environment Agency guidance LFTGN 05 and LFTGN 08.'

The Operator applied for a permit variation in August 2022, which among other alterations included an increase in the maximum permitted level of Ammoniacal Nitrogen within WBH019 to 4.0mg/l. This increase was subsequently refused by NRW during the variation determination process due to lack of evidence supporting elevated concentrations arising from a nearby mine adit.

Compliance:

For the above breaches, a non-compliance score of C3 against criteria IR3A has been allocated to this breach of permit condition 3.1.3.

In accordance with non-compliance scoring guidelines, the non-compliance scores for the breaches during Q4 2023 reporting period have been consolidated into one non-compliance score

Action:

Operator to investigate potential sources of Ammoniacal Nitrogen within WB019 and submit findings to NRW.

Perimeter Landfill Gas Monitoring.

The parameters and associated limits regarding Landfill Gas within boreholes are specified within Schedule 3: Table S3.5 of the permit.

The operator submitted three Schedule 5 Notifications over the course of Q4 regarding exceedances of CO₂- trigger levels within PWGB00HD, PWGB00HE and PWGP0016. These limits

have been removed following the permit variation, which was approved on the 19th of December 2023. As a result, the breach will not be assigned a non-compliance score.

Schedule 5 Notifications – Q4 (01/10/2023 - 31/12/2023)

The Operator submitted ten Schedule 5 Notifications throughout Q4 2023, relating to eighteen exceedances of the maximum daily discharge volume (treated effluent) limits at emission point S1 on the site plan in Schedule 7 to the Afon Tywi.

The Schedule 5 Notifications were submitted within the specified timeframe and is **compliant** with permit condition 4.3.2

This CAR report and assessment was undertaken on 14th of February 2024. However, to ensure that the non-compliance scores is attributed to the correct financial year (for billing) the date on CARS system has been altered to 31st Dec 2023.

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.