

Compliance Assessment Report CAR_NRW0041816

Permit being assessed: BT1908IX.

For: Palleg Landfill Phase II EPR/BT1908IX, **held by:** JLA Disposal Limited

At: Tir Canol Palleg Road , Lower Cwmtwrch, SWANSEA, SA9 2QQ.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 31/12/2023.

Parts of permit assessed: See Part 4.

NRW Lead Officer: Michael Launder.

Report sent to: John Adams, Managing Director, on 22/02/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3E - Emissions and monitoring - Monitoring	C3 Minor	3.6.1
IR3E - Emissions and monitoring - Monitoring	C3 Minor	3.6.1
IR3E - Emissions and monitoring - Monitoring	C3 Minor	3.6.1
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2
IR4C - Information - Notification	C2 Significant	4.3.1
IR1A - Management - General management	C2 Significant	1.1.1 and 4.2

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

Total non-compliances recorded	Total non-compliance score
8	86

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
IR3E	The operator must urgently submit the missing monitoring data for Q1 2023 to the deadline specified. This includes leachate level data, surface water monitoring data, groundwater monitoring data, leachate chemistry data and landfill gas data (as detailed in section 4 of this report).	15/03/2024
IR3E	The operator must urgently submit the missing monitoring data for Q2 2023 to the deadline specified. This includes leachate level data, surface water monitoring data, groundwater monitoring data, leachate chemistry data and landfill gas data (as detailed in section 4 of this report).	15/03/2024
IR3E	The operator must urgently submit the missing monitoring data for Q3 2023 to the deadline specified. This includes leachate level data, surface water monitoring data, groundwater monitoring data, leachate chemistry data and landfill gas data (as detailed in section 4 of this report).	15/03/2024
IR3A	The operator will submit a report detailing the cause of the elevated ammoniacal nitrogen levels found in groundwater samples taken in March 2023. These elevated levels were found in three groundwater monitoring points.	15/03/2024
IR3A	See action for identified breach of limit during Q1.	15/03/2024
IR3A	See action for identified breach of limit during Q1.	15/03/2024
IR4C	The operator to ensure that Schedule 6 notifications are submitted to the timescales specified in the permit.	15/03/2024
IR1A	The operator to ensure that all future monitoring is undertaken in accordance with the monitoring schedules specified in the EPR permit. The operator to submit the missing data (as detailed in section 4 of this report) for 2023 to date (where available). The operator must review their current monitoring programme as a matter of urgency, to ensure that the requirements set out in their permit are adhered to. If the operator fails to urgently implement these improvements,	15/03/2024

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

Introduction

This is an assessment of the quarterly and annual 2023 monitoring results which were provided in the following documents:

- *Jan to Mar GW*
- *JLA – Palleg – Surface Water 5 (SW5) 01.01.2023 – 31.01.2023*
- *14-03-2023 GW3 (Schedule 6 notification)*
- *14-03-2023 GW5 (Schedule 6 notification)*
- *14-03-2023 GW10 (Schedule 6 notification)*
- *ALS Lab Certificates dated 25 May 2023*
- *Jul to Sep GW*

This compliance assessment report has been undertaken using the monitoring schedules, as set out in the EPR Permit:

- EPR Permit BT1908IX – variation number: XP3230MQ – dated 27/2/2007; and
- EPR Permit variation EP/BT1908IX – dated 21/2/2013

2023 Quarter 1 Monitoring

Groundwater Quarterly Monitoring - Q1 January to March 2023

- The groundwater monitoring results for the following monitoring points, as specified by the permit: GW1, GW4, GW8 (over the January to March monitoring period) have not been submitted.
- The groundwater monitoring results for the following monitoring points, as specified by the permit: GW2, GW3, GW5 (over the January to March monitoring period) have been submitted.
- The groundwater monitoring results for the following monitoring points not specified by the permit: GW9 and GW10 (over the January to March monitoring period) have been submitted.
- A Schedule 6 notification submitted to NRW on 27 March 2023 gives the measured Ammoniacal Nitrogen result at monitoring point GW3 on 14 March 2023 as 3.18 mg/l against the permit limit of 2.5 mg/l.
- A Schedule 6 notification submitted to NRW on 27 March 2023 gives the measured Ammoniacal Nitrogen result at monitoring point GW5 on 14 March 2023 as 3.91 mg/l against the permit limit of 2.5 mg/l.
- A Schedule 6 notification submitted to NRW on 27 March 2023 gives the measured Ammoniacal Nitrogen result at monitoring point GW10 on 14 March 2023 as 12.7 mg/l against the permit limit of 2.5 mg/l.

Compliance: The failure to undertake groundwater monitoring at the locations and parameters specified in the permit (Table S4.4 and Table S4.10), for the Q1 period, are considered breaches of condition 3.6.1 (c).

Compliance: The ammoniacal nitrogen levels detected in GW3, GW5 and GW10 exceeded the limits specified in the EPR permit. This is contrary to condition 3.1.2 of the permit.

Leachate Levels – Quarterly Monitoring - Q1 January to March 2023

- Leachate level monitoring results were not submitted to the quarterly frequency specified in the permit (Table S5.1)

Compliance: The failure to undertake the leachate level monitoring at all the locations specified in the permit (Table S4.1), for the Q1 period, are considered breaches of condition 3.6.1 (a).

Surface Water – Quarterly Monitoring - Q1 January to March 2023

- The monthly surface water results for S1, S2, S3, S4, S5, S6 and S7, over the quarter have not been submitted, with the exception of a nil return for S5 due to 'insufficient water at time of sampling'.

Compliance: The failure to undertake surface water monitoring at the locations and parameters specified in the permit (Table S4.3 and Table S4.9), for the Q1 period, are considered breaches of condition 3.6.1 (e).

Perimeter Landfill Gas - Quarterly Monitoring - Q1 January to March 2023

- The monthly landfill gas monitoring results for GA7, GA8, GA9 and GA10, over the quarter have not been submitted.
- The previously submitted report for Q3 2022 indicates that GA9 is awaiting repair.

Compliance: The failure to undertake perimeter landfill gas monitoring at the locations and parameters specified in the permit (Table S4.5), for the period, are considered breaches of condition 3.6.1 (d).

2023 Quarter 2 Monitoring

Groundwater Quarterly Monitoring - Q2 April to June 2023

- The groundwater monitoring results for the following monitoring points, as specified by the permit: GW1, GW4, GW8 (over the April to June monitoring period) have not been submitted.
- The groundwater monitoring results for the following monitoring points, as specified by the permit: GW2, GW3, GW5 (over the April to June monitoring period) have been submitted.
- The groundwater monitoring results for the following monitoring points not specified by the permit: GW9 and GW10 (over the April to June monitoring period) have been submitted.
- The lab certificates submitted to NRW on 25 May 2023 gives the measured Ammoniacal Nitrogen result at monitoring point GW3 on 20 April 2023 as 10.04 mg/l against the permit limit of 2.5 mg/l.
- The lab certificates submitted to NRW on 5 May 2023 gives the measured Ammoniacal Nitrogen result at monitoring point GW5 on 20 April 2023 as 9.68 mg/l against the permit

limit of 2.5 mg/l.

Compliance: The failure to undertake groundwater monitoring at the locations and parameters specified in the permit (Table S4.4 and Table S4.10), for the Q2 period, are considered breaches of condition 3.6.1 (c).

Compliance: No Schedule 6 notifications of the Q2 exceedance of permit limits at GW3 and GW5 have been received from the operator.

Leachate Levels – Quarterly Monitoring - Q2 April to June 2023

- Leachate level monitoring results were not submitted to the quarterly frequency specified in the permit (Table S5.1)

Compliance: The failure to undertake the leachate level monitoring at all the locations specified in the permit (Table S4.1), for the Q4 period, are considered breaches of condition 3.6.1 (a).

Surface Water – Quarterly Monitoring - Q2 April to June 2023

- The monthly surface water results for S1, S2, S3, S4, S5, S6 and S7, over the quarter have not been submitted.

Compliance: The failure to undertake surface water monitoring at the locations and parameters specified in the permit (Table S4.3 and Table S4.9), for the Q2 period, are considered breaches of condition 3.6.1 (e).

Perimeter Landfill Gas - Quarterly Monitoring - Q2 April to June 2023

- The monthly landfill gas monitoring results for GA7, GA8, GA9 and GA10, over the quarter have not been submitted.

Compliance: The failure to undertake perimeter landfill gas monitoring at the locations and parameters specified in the permit (Table S4.5), for the period, are considered breaches of condition 3.6.1 (d).

2023 Quarter 3 Monitoring

Groundwater Quarterly Monitoring - Q3 July to September 2023

- The groundwater monitoring results for the following monitoring points, as specified by the permit: GW1, GW4, GW8 (over the July to September monitoring period) have not been submitted.
- The groundwater monitoring results for the following monitoring points, as specified by the permit: GW2, GW3, GW5 (over the July to September monitoring period) have been submitted.
- The groundwater monitoring results for the following monitoring points not specified by the permit: GW9 and GW10 (over the July to September monitoring period) have been submitted.

- The results submitted to NRW on 1 December 2023 give the measured Ammoniacal Nitrogen result at monitoring point GW3 on 4 September 2023 as 7.07 mg/l against the permit limit of 2.5 mg/l.

Compliance: The failure to undertake groundwater monitoring at the locations and parameters specified in the permit (Table S4.4 and Table S4.10), for the Q3 period, are considered breaches of condition 3.6.1 (c).

Compliance: No Schedule 6 notifications of the Q3 exceedance of permit limits at GW3 and GW5 have been received from the operator.

Leachate Levels – Quarterly Monitoring - Q3 July to September 2023

- Leachate level monitoring results were not submitted to the quarterly frequency specified in the permit (Table S5.1)

Compliance: The failure to undertake the leachate level monitoring at all the locations specified in the permit (Table S4.1), for the Q3 period, are considered breaches of condition 3.6.1 (a).

Surface Water – Quarterly Monitoring - Q3 July to September 2023

- The monthly surface water results for S1, S2, S3, S4, S5, S6 and S7, over the quarter have not been submitted.

Compliance: The failure to undertake surface water monitoring at the locations and parameters specified in the permit (Table S4.3 and Table S4.9), for the Q3 period, are considered breaches of condition 3.6.1 (e).

Perimeter Landfill Gas - Quarterly Monitoring - Q3 July to September 2023

- The monthly landfill gas monitoring results for GA7, GA8, GA9 and GA10, over the quarter have not been submitted.

Compliance: The failure to undertake perimeter landfill gas monitoring at the locations and parameters specified in the permit (Table S4.5), for the period, are considered breaches of condition 3.6.1 (d).

2023 Quarter 4 Monitoring

None of the information required by the permit for Quarter 4 2023 was submitted and could not be assessed for this report.

Compliance: The failure to submit the monitoring results specified in the permit, for the Q4 period, is considered a breach of condition 4.2.2.

2024 Annual Reporting

None of the information required by the permit to be reported annually was submitted for 2024

and could not be assessed for this report.

Compliance: The failure to submit the annual reporting specified in the permit for 2023 is considered a breach of condition 4.2.1.

Ongoing Monitoring and Reporting Failures

In February 2022 (CAR_NRW0039445) and March 2023 (CAR_NRW0041192), NRW identified a series of deficiencies in the operators monitoring and reporting programme. Following this, the operator was provided with the opportunity to address these as a matter of urgency and to implement the required improvements. This was to ensure that they complied with the monitoring and reporting requirements, as specified in the EPR permit. Despite this opportunity, the operator has not implemented the required improvements and the deficiencies noted previously are repeated in the 2023 monitoring and reporting to date.

Compliance: This ongoing failure is considered a breach of condition 1.1.1 of the permit. Given the ongoing omissions, the importance of a robust monitoring regime and the fact that the operator has now had ample opportunity to comply with the requirements of the permit, NRW have determined this ongoing failure to be a potentially serious non-compliance.

Compliance Summary

- Condition 3.6.1 - the monitoring failures identified in Quarter 1 have been assigned a non-compliance category of C3 under sub-criterion IR3E Monitoring. We have consolidated these scores over the Q1 monitoring period into one non-compliance score for the January to March period.
- Condition 3.6.1 - the monitoring failures identified in Quarter 2 have been assigned a non-compliance category of C3 under sub-criterion IR3E Monitoring. We have consolidated these scores over the Q2 monitoring period into one non-compliance score for the April to June period.
- Condition 3.6.1 - the monitoring failures identified in Quarter 3 have been assigned a non-compliance category of C3 under sub-criterion IR3E Monitoring. We have consolidated these scores over the Q3 monitoring period into one non-compliance score for the July to September period.
- Condition 3.1.2 - during Quarter 1 (14 March 2023), ammoniacal nitrogen levels at GW3, GW5 and GW10 exceeded the limits in the EPR permit. These have been assigned a non-compliance category of C3 under sub-criterion IR3A Emissions to water, air or land. We have consolidated these scores over the Q1 monitoring period into one non-compliance score for the January to March period.
- Condition 3.1.2 - during Quarter 2 (samples collected 20 April 2023), ammoniacal nitrogen levels at GW3 and GW5 exceeded the limits in the EPR permit. These have been assigned a non-compliance category of C3 under sub-criterion IR3A Emissions to water, air or land. We have consolidated these scores over the Q3 monitoring period into one non-compliance score for the April to June period.
- Condition 3.1.2 - during Quarter 3 (samples collected 4 September 2023), ammoniacal

nitrogen levels at GW3 exceeded the limits in the EPR permit. This has been assigned a non-compliance category of C3 under sub-criterion IR3A Emissions to water, air or land.

- Condition 4.3.1 - the operators failure to submit Schedule 6 notifications of the above emission limit value breaches. This has been assigned a non-compliance category of C2 under sub-criterion IR4C Notification.
- Condition 1.1.1a - the operators failure to have in place or implement an appropriate management system to ensure that the monitoring and reporting requirements of the site EPR permit are adhered to. This has been assigned a non-compliance category of C2 under sub-criterion IR1A General Management.

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.