

Compliance Assessment Report CAR_NRW0043562

Permit being assessed: DP3733BK.

For: Docksway Landfill , **held by:** Newport City Council

At: Docksway Disposal Site - Phase 2 Docks Way , Newport, South Wales, NP20 2NS.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 31/12/2023.

Parts of permit assessed: Reporting and monitoring .

NRW Lead Officer: Luke Burton.

Report sent to: Robert Hughes, Landfill Team Manager, on 01/03/2024.

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	C2 Significant	3.1.5
IR2I - Operations - Leachate levels (only applicable to landfill)	C2 Significant	2.7.1
IR3E - Emissions and monitoring - Monitoring	C4 No impact	3.6.1
IR3E - Emissions and monitoring - Monitoring	C4 No impact	3.6.1
IR3E - Emissions and monitoring - Monitoring	C3 Minor	3.1.7
IR3E - Emissions and monitoring - Monitoring	C3 Minor	3.1.2
IR3E - Emissions and monitoring - Monitoring	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
6	70.2

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	GW06_37: Operator shall submit to NRW a timetabled action plan outlining how they will reduce the ammoniacal nitrogen levels in Groundwater monitoring borehole GW06_37 to permit compliance limits.	31/03/2024
IR2I	Leachate head: Operator shall submit to NRW a timetabled action plan outlining how they will reduce the leachate head currently in the landfill to the permitted level of 2m above cell base.	31/03/2024
IR3E	Vibrating wire piezometer: Operator shall submit to NRW the vibrating wire piezometer data.	08/03/2024
IR3E	Separation bund inclination and topography: Operator shall submit to NRW the separation bund inclination and topography assessment.	08/03/2024
IR3E	External monitoring borehole GP05_17 - Due to the minor impact and single occurrence, this permit breach has not been allocated an action.	Already completed
IR3E	Cell 3A in Area 2 - C3_ASB - Due to the minor impact and single occurrence, this permit breach has not been allocated an action.	Already completed
IR3E	SW02 replacement - Operator to propose to NRW a new sampling location to replace SW02.	31/03/2024

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

This Compliance Assessment Report (CAR) has been produced in response to the submission of annual performance report(s) required by the following environmental permit condition.

Condition 4.2.2. of the permit states:

A report or reports on the performance of the activities over the previous year shall be submitted to Natural Resources Wales by 31 January (or other date agreed in writing by Natural Resources Wales) each year. The report(s) shall include as a minimum:

(a) a review of the results of the monitoring and assessment carried out in accordance with this permit against the relevant assumptions, parameters and results in the risk

- assessments submitted in relation to this installation and any agreed amendments thereto;
- (b) the energy consumed at the site, reported in the format set out in schedule 4 table S4.3
 - (c) the annual production/treatment set out in schedule 4 table S4.2;
 - (d) the topographical surveys required by condition 3.6.3 other than those submitted as part of a CQA validation report;
 - (e) the volumetric difference (reported in cubic meters) between the most recent topographical survey and the previous annual topographical survey i.e. the additional volume of the landfill void that is occupied by waste;
 - (f) an assessment of the settlement behavior of the landfill body based on the difference between the most recent topographical survey and previous annual topographical survey for the areas of the landfill which did not receive waste between the surveys;
 - (g) a calculation of the remaining capacity (reported in cubic meters) derived from the pre-settlement contours and the most recent topographical survey;
 - (h) an assessment of the deformation behaviour of the separation bund based on the results of topographic surveys and inclinometer readings together with a comparison of this measured deformation to the deformation predicted during the Stability Risk Assessment review until completion of the asbestos cell.

Report(s) for condition 4.2.2 were submitted via email on 16/02/23

The report(s) submission was not made inside the reporting window but this represents compliance with the permit as this extended date was agreed in writing by Natural Resources Wales.

The report(s) submitted do not include a full review of the results of monitoring and assessment carried out in accordance with this permit which represents compliance with the permit.

The report(s) submitted include the energy consumed at the site set out in schedule 4 table S4.3 which represents compliance with the permit.

The report(s) submitted include the annual production/treatment set out in schedule 4 table S4.2 which represents compliance with the permit.

The report(s) submitted include the performance parameters set out in schedule 4 table S4.3 which represents compliance with the permit.

The report(s) submitted include the topographical surveys required by condition 3.6.3 other than those submitted as part of a Construction Quality Assurance validation report, the volumetric difference between surveys, and a calculation of the remaining capacity which represents compliance with the permit.

The report(s) submitted do not include assessment of the deformation behaviour of the separation bund which represents compliance with the permit as the asbestos cell has

been completed.

NB the submissions are not on the referenced forms and do not contain a full review of the results of monitoring and assessment (particulate matter and Process monitoring - Vibrating wire piezometers and Separation bund inclination and topography assessment). However, this is not considered a non-compliance as the reporting format used by the operator's consultants has been previously agreed.

Non-compliances relating to the lack of submissions in respect of Process monitoring - Vibrating wire piezometers and Separation bund inclination and topography assessment are discussed later in this CAR.

Review of the results of monitoring and assessment

Surface water quality monitoring

Surface water quality monitoring associated with permits AN0394301 and AN0401301 has been assessed under separate CARs.

SW02

It is noted that SW02 was not sampled during 2023 due to unsafe access.

ACTION: Operator to propose to NRW a new sampling location to replace SW02.

Cell 3A in Area 2 - C3 ASB

The pH was recorded at 9.31 in July.

Condition 3.1.2 states:

The limits given in schedule 3 shall not be exceeded.

Table S3.2 Point Source emissions to water (other than sewer) and land – emission limits and monitoring requirements states:

pH Min. 6 pH units and pH Max. 9 pH units.

Condition 3.1.2 has been breached as the limit in table S3.2 has been exceeded.

The Cell 3A in Area 2 - C3_ASB pH breach has been scored a C3 (minor) non-compliance based on its potential to have a minor or minimal impact or effect on the environment due to the exceedance only occurring once.

Due to the minor impact and single occurrence, this permit breach has not been allocated an action.

Aside from the above non-compliances, all other surface water emissions results covered under this CAR are within permitted limits and represent compliance with the environmental permit.

Groundwater quality monitoring

Groundwater monitoring borehole GW06_37 exceeded the compliance limit for ammoniacal nitrogen throughout 2023.

Condition 3.1.5 states:

The compliance limits for emissions into groundwater for the parameter(s) and monitoring point(s) set out in schedule 3 table S3.3 shall not be exceeded.

Condition 3.1.5 has been breached as the limit in table S3.3 has been exceeded.

The GW06_37 ammoniacal nitrogen breaches have been scored a consolidated C2 (significant) non-compliance based on their potential to have a significant impact or effect on the environment due to the exceedance reoccurring throughout 2023.

Operator must bring the ammoniacal nitrogen levels in Groundwater monitoring borehole GW06_37 to permit compliance limits as soon as possible. To facilitate this the below action has been set:

ACTION GW06_37: Operator shall submit to NRW a timetabled action plan outlining how they will reduce the ammoniacal nitrogen levels in Groundwater monitoring borehole GW06_37 to permit compliance limits.

Aside from the above non-compliances, all other groundwater emission monitoring results are within permitted limits and represent compliance with the permit.

Leachate levels

Leachate head levels have been above the permitted leachate head level (2m above cell base) throughout 2023.

Condition 2.7.1 of the permit states:

The limits for the level of leachate listed in schedule 3 table S3.1 shall not be exceeded.

Condition 2.7.1 has been breached as the limit in table S3.1 has been exceeded.

The leachate head level breaches have been scored a consolidated C2 (significant) non-compliance based on their potential to have a significant impact or effect on the environment due to the exceedance reoccurring throughout 2023.

Operator must bring the leachate head in the landfill to the permitted level of 2m above cell base as soon as possible. To facilitate this the below action has been set:

ACTION leachate head: Operator shall submit to NRW a timetabled action plan outlining how they will reduce the leachate head currently in the landfill to the permitted level of 2m above cell base.

External landfill gas monitoring

Landfill gas in external monitoring borehole GP05_17 recorded methane levels above the limit once.

Condition 3.1.7 of the permit states:

The limits for landfill gas arising from the installation set out in schedule 3, tables S3.4 and S3.5 shall not be exceeded.

Condition 3.1.7 has been breached as the limit in table S3.4 has been exceeded.

The external monitoring borehole GP05_17 methane limit breach has been scored a C3 (minor) non-compliance based on its potential to have a minor or minimal impact or effect on the environment due to the exceedance only occurring once.

Due to the minor impact and single occurrence, this permit breach has not been allocated an action.

Aside from the above non-compliances, all other external landfill gas monitoring results are within permitted limits and represent compliance with the permit.

Particulate matter

All particulate matter monitoring results are within permitted limits and represent compliance with the permit.

Process monitoring - Vibrating wire piezometers

No vibrating wire piezometer data was provided within 2023.

Condition 3.6.1 states:

The operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring and any other actions specified in the following tables in schedule 3 to this permit: (g) Process monitoring requirements as specified in table S3.10 [Vibrating wire piezometers]

Condition 3.6.1 has been breached as no vibrating wire piezometer data was provided within 2023.

The vibrating wire piezometer data breach has been scored a C4 (no impact) non-compliance based on its CURRENTLY UNDERSTOOD potential to have no impact or effect on the environment.

ACTION vibrating wire piezometer: Operator shall submit to NRW the vibrating wire piezometer data.

Separation bund inclination and topography assessment

No separation bund inclination and topography assessment were provided within 2023.

Condition 3.6.1 states:

The operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring and any other actions specified in the following tables in schedule 3 to this permit: (h) an assessment of the deformation behaviour of the separation bund

based on the results of topographic surveys and inclinometer readings together with a comparison of this measured deformation to the deformation predicted during the Stability Risk Assessment review until completion of the asbestos cell.

Condition 3.6.1 has been breached as no separation bund inclination and topography assessment were provided within 2023.

The separation bund inclination and topography assessment breach has been scored a C4 (no impact) non-compliance based on its CURRENTLY UNDERSTOOD potential to have no impact or effect on the environment.

ACTION separation bund inclination and topography: Operator shall submit to NRW the separation bund inclination and topography assessment.

NB date of assessment is set at 31 December 2023 for NRW financial recording reasons.

END.

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.