

## Compliance Assessment Report CAR\_NRW0043559

**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:** 18/12/2023.

**Parts of permit assessed:** Q4 (October-December) 2023 monitoring returns.

**NRW Lead Officer:** Jamie Blythin.

**Report sent to:** Ian Craven, Regional Manager, on 27/03/2024.

### 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 (Suspended) | 2.7.1            |
| 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            |
| IR3A - Emissions and monitoring - Emissions to water, air or land | C3 Minor             | 3.1.1            |

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

| Total non-compliances recorded | Total non-compliance score |
|--------------------------------|----------------------------|
| 4                              | 12                         |

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- Operator to continue completing actions as stated in the Action Plan. | 28/06/2024  |
| IR3A     | Action 2 -See Action 3 CAR_NRW0043016   | 29/02/2024  |

| Criteria | Action needed   | Complete by |
|----------|---|-------------|
| IR3A     | Action 3 - Carry out an investigation into the cause of elevated levels of chloride in monitoring point BHHA12C(B) and provide NRW with a written update.                         | 26/04/2024  |
| IR3A     | Action 4- Carry out an investigation into the cause of elevated levels of Ammonical Nitrogen and suspended solids in monitoring point SW1A and provide NRW with a written update. | 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.

**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 Q4 (October-December) 2024 monitoring returns and Schedule 5 notifications. Monitoring data was submitted to Natural Resources Wales (NRW) on 30/01/24 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 Q4 a total of 6,930m<sup>3</sup> of leachate was tankered offsite for treatment.

Leachate heads between 0.43m and 34.16 m were recorded against a compliance limit of 2m.

With reference to Schedule 5 notifications HAF 346 (October), HAF350 (November) and HAF351 (December), there were 18 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).

On 30/01/24, the operator submitted an Action Plan to NRW, outlining how they will achieve compliance with the permitted leachate level limits (2m) by 28/06/24. This Action Plan was submitted in response to Action 5 of the Statutory Notice that was served on the operator 21/12/23.

NRW's scoring guidance states that when an enforcement notice is served on an Operator

we will suspend non-compliance scores. If the notice is not complied with then we will immediately reinstate any suspended scores.

**Action 1-** Operator to continue completing actions as stated in the Action Plan.

### **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 HAF347 (October), HAF348 (November) and HAF352 (December) there were 32 instances during Q4 where methane (CH<sub>4</sub>) levels in perimeter gas wells exceeded the 1% compliance limit. Values between 1.4-65.9% methane were recorded during Q4.

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 2 -** See Action 3 CAR\_NRW0043016

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 schedule 5 notification HAF353 (December 23), on 12/12/23, monitoring point BHHA12C(B) recorded a chloride value of 250mg/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) 06/12/23- 570mg/l. However there is no compliance trigger level associated with this monitoring point.

**Action 3 -** Carry out an investigation into the cause of elevated levels of chloride in monitoring point BHHA12C(B) and provide NRW with a written update.

Samples were not taken at the following emission points as there was insufficient liquid to sample: BH HA 1A(T), BH HA 5(T), BH HA 9A(T), BH HA 11B(T) and BH HA 12A(T).

**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 S3.10 (surface water-other monitoring requirements).

With reference to schedule 5 notifications (HAF349-November) and (HAF 353-December) monitoring point SW1A recorded ammoniacal nitrogen values of 5mg/l (15/11/23) and 3.2mg/l (06/12/23) vs a compliance limit of 1.8mg/l. SW1A also recorded a suspended solids value of 69mg/l vs a compliance limit of 50mg/l on 15/11/23.

NRW considers this a breach of permit condition 3.1.1 (IR3A-Emissions to water, air or land-C3).

**Action 4-** Carry out an investigation into the cause of elevated levels of ammoniacal nitrogen and suspended solids in monitoring point SW1A and provide NRW with a written update.

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.