

## Compliance Assessment Report for:

<b>Permit number</b>	BT1908IX	<b>Operator name</b>	JLA Disposal Ltd
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<b>Site name</b>	Palleg Landfill Phase II
<b>Site address</b>	Tir Canol, Palleg Road, Lower Cwmtwrch, Swansea, SA9 2QQ
<b>Type of assessment</b>	Site inspection

<b>Date of assessment</b>	18/03/2024	<b>Time in</b>	11.20	<b>Time out</b>	13.50
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<b>Parts of permit assessed</b>	See Part 4
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<b>NRW Lead officer</b>	Michael Launder	<b>Accompanied by</b>	Ben Taylor, Liz Parks, Luke Taylor
<b>Report sent to – Name and position</b>	John Adams Managing Director	<b>Date</b>	21/05/2024

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

Part of permitted activity assessed (use action criteria below)	Assessment result	Permit condition
IR3C - Emission and Monitoring - Odour	C3 Minor	3.4.1
IR2C - Operations - Operating techniques	C2 Significant	2.3.1
IR1A - Management - General management	C2 Significant	1.1.1
IR2G - Operations - Landfill engineering (only applicable to Landfill)	C1 Major	2.7.8
IR1A - Management - General management	C1 Major	1.1.1
IR2C - Operations - Operating techniques	C1 Major	2.3.1
IR3B - Emission and Monitoring - Emissions of substances not controlled by emission limits	C3 Minor	3.3.4
IR2B - Operations - The site	C3 Minor	2.2.1

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

<b>Total number of non-compliances recorded</b>	<b>Total non-compliance score</b>
8	254

## 2. What action is required?

Compliance Criteria	Action needed	Complete by
IR3C, IR2C & IR1A	<ul style="list-style-type: none"> <li>Operator to immediately apply intermediate cover to the exposed waste.</li> </ul>	Immediate
IR2G, IR2C & IR1A	<ul style="list-style-type: none"> <li>Preliminary actions have been specified in an NRW Regulation 37 Notice dated 11 March 2024.</li> </ul>	Deadlines specified in notice
IR3B	<ul style="list-style-type: none"> <li>The operator will decommission the intermediate leachate storage tank until either:               <ul style="list-style-type: none"> <li>the current tank is provided with appropriate<sup>1</sup> secondary containment or</li> <li>a replacement tank with appropriate<sup>1</sup> secondary containment) is installed at the site.</li> </ul> </li> <li>The operator must also ensure appropriate containment provision is included for spillages from the coupling and decoupling from tankers.</li> </ul>	3 June 2024
IR2B	<ul style="list-style-type: none"> <li>Unless otherwise agreed with NRW the operator will relocate the leachate tank (with appropriate secondary containment to an area within the landfill permit boundary). NOTE: The tank must be safely emptied before being relocated.</li> </ul>	17 June 2024
	<ul style="list-style-type: none"> <li>The operator was instructed to take immediate action to manage leachate effectively at the landfill and to take steps to prevent a re-occurrence of these breakouts.</li> </ul>	Immediate

Action criteria codes are listed in the 'Important information' section below.

<sup>1</sup> Secondary containment bunds must:

- be impermeable and resistant to the leachate;
- have no outlet (no drains or taps) and drain to a blind collection point;
- have pipework routed within bunded areas with no penetration of the containment surfaces;
- be designed to catch leaks from tanks or fittings;
- have a capacity greater than 110 percent of the largest tank or 25 percent of the total tankage, whichever is the larger. When you calculate this do not use the design capacity of the tank or tanks, instead use the maximum physical capacity of the tank or tanks – assuming it is/they are over-filled to the point of spillage;
- be looked at regularly and any contents removed after checking for contamination;
- be fitted with a high-level probe and an alarm, where not frequently inspected;
- have tanker connection points within the bund where possible (otherwise adequate containment should be provided at the connection point).
- be regularly inspected for their condition (normally visual but extending to hydraulic testing where structural integrity is in doubt).

all above-ground tanks containing liquids whose spillage could be harmful to the environment must be bunded.

### 3. What will happen next?

**Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecutions and 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

The site was visited in response to the operator's submission *Review of 2023 Landfill Monitoring* (Geotechnology, January 2024) received in February 2024. The report indicated that a significant overtip of waste had taken place at site, exceeding the level of the final settlement contours allowed by the permit.

In response to the operator's submission a Regulation 37 notice was issued by NRW on 11 March 2024 suspending the further acceptance of waste for disposal and setting out a series of preliminary steps to be taken by the operator.

Whilst this report was being written a second submission<sup>2</sup> was received from the operator providing the most up to date volumetric data and survey information (2024). This also confirmed that a significant overtip had occurred.

#### Site Visit

NRW officers met John Adams, (JLA Managing Director) at the site office and were accompanied during the visit by JLA's consultant Ben Rees (Geotechnology).

#### **Odour**

Prior to arriving at site, on the Palleg Road running north and parallel to the landfill, we detected an offensive odour recognised as a landfill gas type odour. Later during our on-site inspection, it was observed that large areas of the waste mass had no intermediate cover in place and the wastes were totally exposed. The same offensive landfill gas odour was noted during our inspection of the landfill.

#### **Compliance:**

- **The offensive landfill odour detected outside of the Site by NRW officers is considered an odour pollution and a breach of permit condition 3.4.1. As a result of this, a non-compliance score of C3 has been allocated against compliance sub-criterion *IR3C Emission and Monitoring - Odour*.**
- **The failures and/or deficiencies in the following appropriate measures (to control odours) were identified and these contributed to the uncontrolled release of polluting emissions at the site (note: this list may not be exhaustive):**
  - **failure to apply and/or maintain a suitable layer of intermediate cover over large areas of the landfill (including the flanks of the landfill);**
  - **delay in the phased installation of an engineered capping system**

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<sup>2</sup> Geotechnology Letter to JLA date 30<sup>th</sup> January 2024 (ref: 2300lt1d0124 ). Submitted to NRW on the 21<sup>st</sup> March 2024.

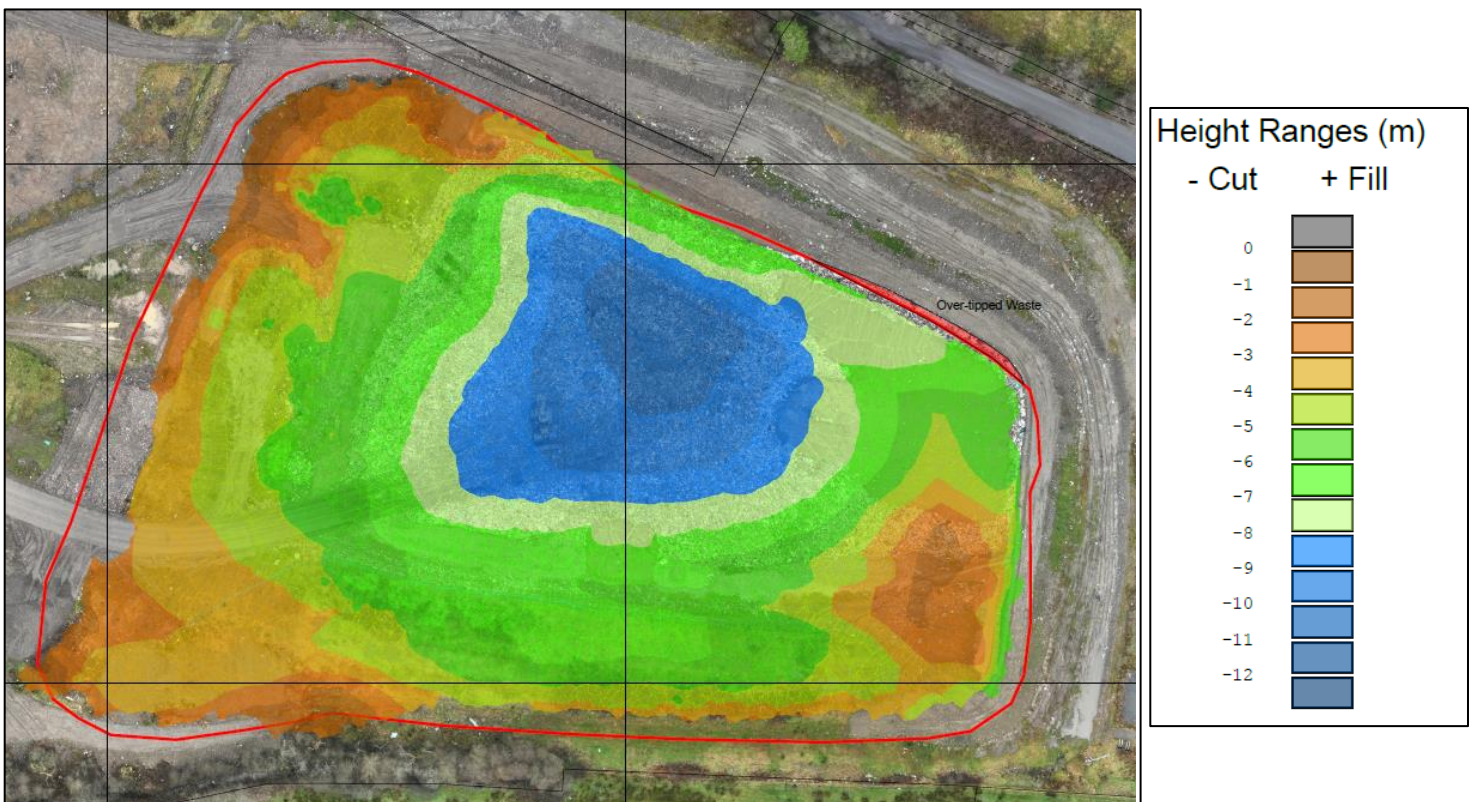
(caused by the continuation of waste emplacement beyond the permitted wastes levels).

- The above noted failures/deficiencies are also considered contrary to condition 2.3.1 and condition 1.1.1. of the permit. Non-compliance scores of C2 have been allocated against compliance sub-criteria *IR2C - Operating techniques* and *IR1A - General management*.

**Action:** Operator was instructed to immediately apply intermediate cover to the exposed waste.

**Deposit of wastes above permitted levels.**

JLA's submissions<sup>2, 3</sup> confirm that there has been a substantial overtip (up to 10.5m) of waste at the landfill. The extent of the overtip is also significant, virtually covering the entire footprint of the landfill site.



Extract from operator's submission<sup>3</sup> showing extent of the overtip (a -ive "cut" indicates the zones where an overtip has occurred).

The failure to maintain waste levels below the pre-settlement levels specified in the EPR permit is a breach of permit condition 2.7.8. The scale and extent of the overtip was observed during this inspection.

As part of our subsequent review of JLA's submissions, it appears that the waste slopes for the landfill's northern and southern flanks are also too steep. Based on the submitted topographical information the slopes are significantly steeper than the maximum gradients

<sup>3</sup> Geotechnology Report titled *Review of 2023 Landfill Monitoring* dated January 2024, Received February 2024.

permitted by the approved stability risk assessment (SRA) and is steeper than the gradient permitted in the pre-settlement plan. This is also a contravention of condition 2.3.1 and 2.7.8 of the EPR permit.

The EPR permit requires the operator to have in place robust procedures to make certain that waste placement is undertaken in a controlled way and which ensures that the permitted pre-settlement profile (as specified in the EPR permit) is not exceeded. The failure to do this is a contravention of conditions 1.1.1 and 2.3.1.

### **Compliance:**

- **The failure to maintain waste levels below the pre-settlement levels specified in the EPR permit and the construction of waste slopes significantly steeper than permitted by the EPR permit is a breach of permit condition 2.7.8. A non-compliance score of C1 has been assigned to this breach against sub-criterion *IR2G Landfill Engineering*.**
- **The failure to ensure waste emplacement operations did not exceed permitted pre-settlement levels and the construction of waste slopes significantly steeper than permitted by the EPR permit is also contrary to permit conditions 2.3.1 and 1.1.1. Non-compliance scores of C1 have been allocated against compliance sub-criteria *IR2C - Operating techniques* and *IR1A - Management - General management* respectively.**

**Action: Preliminary actions have been specified in the Regulation 37 Notice dated 11 March 2024.**

### **Leachate Management**

During the site inspection we observed, at the south-eastern side of the landfill, (NGR: SN77488 11281) an open pool of surface water contaminated with suspected (black) landfill leachate. It appears that the operator had attempted to enclose the leachate leakage by constructing a soil bund to hold the leachate. This bund has not been constructed as an engineered containment bund (i.e. in line with the CQA requirements of the permit) and may therefore leak. The source of the leachate appears to be perched leachate breakout from the eastern flank of the landfill.

**Action: The operator was instructed to take immediate action to manage leachate effectively at the landfill and to take steps to prevent a re-occurrence of these breakouts.**

### **Leachate Storage Infrastructure**

Near the south-western side of the landfill boundary, a single skinned tank, of what appears to be polyethylene construction, was being used for the storage of leachates from this landfill site. We were informed that leachate is pumped from the upslope risers connected to the landfill sump, into the tank, allowing it to be collected by tanker for off-site disposal. This tank has been added to supplement the direct collection of leachate from the landfill by tanker (i.e. from the landfill's upslope riser).

This leachate storage tank does not have secondary containment and this is contrary to conditions 3.3.4 of the permit.

It was also evident that the tank has been placed outside of the permitted boundary of the site. This is contrary to condition 2.2.1 of the EPR permit.

**Compliance:**

- The failure to provide an intermediate leachate storage tank with appropriate secondary containment is deemed contrary to condition 3.3.4 of the permit. A non-compliance category of C3 has been assigned to this breach against sub-criterion *IR3B - Emission and Monitoring - Emissions of substances not controlled by emission limits*.

**Action:**

The operator will decommission the intermediate leachate storage tank until either:

- the current tank is provided with appropriate secondary containment or
- a replacement tank (with appropriate secondary containment) is installed at the site.

The operator must also ensure appropriate containment<sup>1</sup> provision is included for spillages from the coupling and decoupling from tankers.

**Compliance:**

- The placement of the landfill's leachate storage tank, outside the boundary of the site is contrary to condition 2.2.1 of the EPR permit. A non-compliance score of C3 has been attributed to this failure – against sub-criterion *IR3B - Emission and Monitoring - Emissions of substances not controlled by emission limits*, against the *IR2B - Operations - The site*, sub-criterion heading.

**Action:** operator to relocate the leachate tank (with appropriate secondary containment to an area within the landfill permit boundary) – unless otherwise agreed with NRW.

**NOTE:** The tank must be safely emptied before being relocated.

**General comment**

Any remaining root causes behind the permit non-compliances identified within this report will be considered as part of NRW's ongoing investigation.

**End of section 4.**

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 in the aspects assessed.
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

### 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 – 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.