

Compliance Assessment Report CAR_NRW0043448

Permit being assessed: MP3835SV.

For: Silent Valley Landfill Site, **held by:** Blaenau Gwent County Borough Council

At: Beechwood House , Ebbwvale, Blaenau Gwent, NP23 6PZ.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 14/02/2024.

Parts of permit assessed: Reporting and emissions.

NRW Lead Officer: Luke Burton.

Report sent to: Noel Chard, Technical Manager, on 09/05/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3E - Installations - Emissions and monitoring - Monitoring	Action only (X)	
IR3E - Installations - Emissions and monitoring - Monitoring	C3 Minor	3.5.1 LC5A
IR3E - Installations - Emissions and monitoring - Monitoring	C3 Minor	3.1.5 GW7 and GW10
IR3E - Installations - Emissions and monitoring - Monitoring	C3 Minor	3.1.7 GMW14/14A

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

Total non-compliances recorded	Total non-compliance score
3	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
IR3E	Operator and NRW to meet and confirm status of and future plan for GW09.	Already completed
IR3E	Operator to provide all relevant construction proposals for	10/06/2024

Criteria	Action needed	Complete by
	LC5B to NRW in order to satisfy section 2.5 of the permit.	
IR3E	No action required.	Already completed
IR3E	No Action.	Already completed

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 following submission and review of the report on the performance of the activities over the previous year, required by condition 4.2.2. of the permit.

The review was undertaken by NRW Officers in February 2024. However, to ensure that the CCS scores are attributed to the correct financial year (for billing) the date on CAR has been altered to 31 December 2023.

The report was submitted on 31 January 2024, which represents compliance with condition 4.2.2.

Leachate quality and level monitoring

LC5A was not in service throughout 2023. LC5A was replaced by LC5B in October 2023.

Condition 3.5.1 of the permit states:

The operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring specified in the following tables in schedule 3 to this permit:

- a. Leachate specified in tables S3.1 and S3.7;

Condition 3.5.1 has been breached as all points of measurement are not present throughout 2023 and therefore the operator cannot carry out all the required monitoring as specified in the permit. Whilst this breach has been scored a C3 (see below) at this current time, the critical nature of this infrastructure is emphasised and therefore its replacement welcomed.

This breach has been scored a C3 (minor) non-compliance on its potential to have a significant impact or effect on the environment because critical monitoring infrastructure used to confirm leachate controls are preventing pollution of the

environment have not been in place.

ACTION: Operator to provide all relevant construction proposals for LC5B to NRW in order to satisfy section 2.5 of the permit.

LC2A has exceeded its Allowable Maximum Concentration (AMC) throughout 2023 for nickel and ammoniacal nitrogen.

AMCs are not included as limits within the permit; therefore, no breach of permit condition has been recorded.

ACTION: Operator to notify NRW of the contingency actions they have taken in response to the LC2A nickel and ammoniacal nitrogen AMC exceedances.

Surface water quality monitoring

Ammoniacal nitrogen exceeded its Environmental Quality Standard (EQS) in the first quarter of 2023 but has remained compliant in the remaining quarters.

EQSs are not included as limits within the permit; therefore, no breach of permit condition has been recorded.

No action has been set as per section 3.9.5 of the Aftercare Phase Environmental and Infrastructure Monitoring Program (APEIMP).

Groundwater quality monitoring

Upstream groundwater wells GW3A and GW4 have exceeded assessment levels for ammoniacal nitrogen and manganese for the first quarter and throughout 2023 respectively.

Assessment levels are not included as limits within the permit; therefore, no breach of permit condition has been recorded.

No action has been set as the elevated concentrations recorded upstream have been concluded to likely be from steel works waste deposited to the north of the landfill, upstream of the waste mass, and the presence of old mine workings in the area.

Downstream groundwater well GW9 exceeded trigger level for ammoniacal nitrogen throughout 2023.

No non-compliance has been scored as the trigger level for ammoniacal nitrogen in GW9 has been disapplied following the review and approval of the IC1b report for pumping of groundwater and leachate conclusions, as per CAR_NRW0033444.

ACTION: Operator and NRW to meet and confirm status of and future plan for GW09.

Downstream groundwater well GW7 exceeded trigger levels for ammoniacal nitrogen in the fourth quarter.

Downstream groundwater well GW10 exceeded trigger levels for ammoniacal nitrogen on

one quarter.

Condition 3.1.5 of the permit states:

The trigger levels for emissions into groundwater for the parameters and monitoring points set out in schedule 3 table S3.3 shall not be exceeded.

Condition 3.1.5 has been breached due to the exceedances of ammoniacal nitrogen trigger levels at GW7 and GW10.

The GW7 and GW10 breaches have been consolidated and 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 exceedances only occurring once.

No action has been set as per section 3.9.5 of the APEIMP.

Landfill gas monitoring

Methane volumes at GMW14/14A exceeded the limit for methane 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 due to the exceedance of methane volume limits at GMW14/14A.

This 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 exceedance occurring once and its minor categorisation, an action has not been set for this breach.

Landfill gas – other monitoring requirements

To be assessed as part of a separate CAR for permit EPR/MP3835SV, due to late submission of information.

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.