

## Compliance Assessment Report CAR\_NRW0044345

**Permit being assessed:** HP3799FH.

**For:** Blue Circle Cement, **held by:** Blue Circle Industries Ltd

**At:** East Aberthaw, Barry, Glamorgan, CF62 3ZR.

**Type of assessment:** Check Monitoring/Sampling,

**Reason:** Routine.

**On:** 20/05/2024.

**Parts of permit assessed:** Annual Monitoring Report.

**NRW Lead Officer:** Sally Wakeford.

**Report sent to:** Daniel Bound, Environmental Coordinator, on 20/05/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	Assessed (A)	
W3E - Waste - Emissions and monitoring - Monitoring	Assessed (A)	
W4B - Waste - Information - Reporting	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
0	0

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?

No action required.

### 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.

**At this time, we do not intend to take any further action.**

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

## 4. Details of our assessment

Permit condition 32.1 of the Environmental Permit (WML Number 25 Modification 3 states:

*“The Licence Holder shall provide the Agency on an annual basis within one month of the end of the financial year, or such other time as agreed in writing with the Agency a report of the environmental performance of the site, which shall include the following information:*

*a an analysis and review of the results of environmental monitoring required under these conditions, with an interpretation of the trend of the results;*

*b a review of the risk assessment for the site, taking into account of the findings under ‘a’ above;*

*c where changes to the risk assessment are identified under ‘b’ above, a review of the risk management systems provided at the site.*

On 30 April 2024 the Annual Report for Aberthaw Works Quarry Site EPR/HP3799FH was submitted to NRW for the period of monitoring 1 January 2023 to 31 December 2023. This has been provided within one month of the end of the financial year as in accordance with the permit condition.

### **Definitive Closure**

In the report it is stated that it is not known whether this site has entered definitive closure. On reviewing the information held by NRW, it can be confirmed that on 11 April 2007 a letter was sent to the Operator by Environment Agency Wales stating:

*“Following a site inspection which was undertaken on the 22 March 2007 (CAR ID 659634) the Agency can confirm that Aberthaw works landfill (EAWML 30016) is in a suitable condition for definitive closure to apply from 30 March 2007. The site will move into the aftercare phase from that date”.*

A copy of this letter has been included with this report for your records.

This letter also confirms that the approved Closure Report contains:

- Report LCR-1879-04-150 dated 22 November 2004 and;
- Revision A dated 16 February 2006 and;
- Letter dated 10 March 2006 and;
- Letter dated 01 June 2006 and;
- Letter dated as received 17 July 2006 and;
- Letter dated 30 March 2007.

A document entitled “Letters for Closure Report” found on the NRW filing system will be provided along with this Compliance Assessment Report for your records.

### **Technically Competent Persons**

Permit condition 21.1 states the requirement of a Technically Competent Person for the site.

**ACTION: Provide the details and certification of the technically competent person.**

### **Annual Report 2023**

The report states that the replacement for BH2 and GW2 should be sought. These have already been discussed with NRW.

**ACTION: confirm if the replacement of the boreholes for the monitoring of gas and groundwater as per the CQA submitted to NRW have been completed.**

### **Landfill Gas**

The annual report submitted on 30 April 2024 shows that the Landfill Gas monitoring is undertaken at BH1, BH3, and BH4. However, BH2 has been lost, and as such could not be monitored in the period. Recent discussions and subsequent CQA approval from NRW have sought a replacement for BH2.

Table 25A of the permit requires the installation of 2/ha in-waste boreholes, and table 25B outlines the monitoring requirements, which are also replicated within the approved Closure Plan.

The monitoring data supplied for the landfill gas are compliant with these requirements of the monitoring determinants.

As stated in the report the methane and carbon dioxide concentrations were low within all boreholes during the 2023 period.

### **Groundwater monitoring**

The annual report submitted shows the groundwater monitoring from MW4 (GW1) (downstream) and GW3 (upstream). GW2 has been buried and has been recently discussed with NRW regarding a replacement (as above).

There are no compliance limits within the permit or the closure plan.

It is noted within the report that the groundwater was only available for 2023. NRW do hold some information regarding previous sampling of groundwater, provided to us in 2018. This can be provided if required.

Due to this missing information it was not possible to ascertain the impact to groundwater from the site.

**ACTION: it should be attempted to locate the previous sampling completed to obtain a full picture of the impact the landfill may be having on the groundwater.**

### **Conclusions**

NRW would agree with the conclusions of the report in that:

- the boreholes require replacement;
- an assessment of the hydraulic gradient to be completed;
- increased frequency of sampling to inform permit surrender would be required.

### **Working Plan**

The operator was previously requested to provide the original working plan on the previous Compliance Assessment Report CAR\_NRW0040804. Unfortunately, these are unavailable. It is however more important going forward to focus on the aftercare of the site, and ensure your working plan is up to date with what is currently going on at the site.

### **ACTION: Prove a copy of the current working plan/aftercare plan.**

Following the installation of the replacement boreholes the working plan should be updated to include them.

### **Landfill Capping**

Compliance Assessment Report CAR\_NRW0040804 required you to

“Make an assessment of whether the landfill needs to be capped and restored and report back to Natural Resources Wales on the outcome of your assessment within 6 months of the receipt of this Compliance Assessment Report”.

On 09 April 2024 an email from Daniel Bound (Tarmac) stated that “We removed material from on top of the landfill and determined no further work was required.”

### **ACTION: Provide a report or summary of the investigation and the reasons why it was determined that no further work was required to the site.**

### **Summary of actions**

- Provide the details and certification of the technically competent person.
- confirm if the replacement of the boreholes for the monitoring of gas and groundwater as per the CQA submitted to NRW have been completed.
- it should be attempted to locate the previous sampling completed to obtain a full picture of the impact the landfill may be having on the groundwater.
- Prove a copy of the current working plan/aftercare plan.
- Update working plan following borehole installation.
- Provide a report or summary of the investigation and the reasons why it was determined that no further work was required to the site.

END

**Any compliance criteria not highlighted in the above summary should be considered as not assessed.**

**In this document ‘Natural Resources Wales’ means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012.**

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 Waste compliance criteria (used in section 1 and 2):**

**1. Management**

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

**2. Operations**

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

**3. Emission and Monitoring**

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

**4. Information**

- W4A – Records
- W4B – Reporting
- W4C – 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.