

## Compliance Assessment Report CAR\_NRW0044738

**Permit being assessed:** SP3298FT.

**For:** Giants Grave Landfill, **held by:** Neath Port Talbot County Borough Council

**At:** Briton Ferry, Neath, N P T, SA11 2LN.

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

**Reason:** Routine.

**On:** 12/07/2024.

**Parts of permit assessed:** Schedule 5 Monitoring exceedances.

**NRW Lead Officer:** Sally Wakeford.

**Report sent to:** Phillip Rees, TCM, on 12/07/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W3A - Waste - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.5.1(b) Table 3.2 (amended)
W3A - Waste - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.5.1(c) Table 3.4

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

Total non-compliances recorded	Total non-compliance score
2	8

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
W3A	Submit the proposal to NRW for the amend in leachate compliance level for LW17b by 29 November 2024 or as otherwise agreed in writing with NRW.	29/11/2024
W3A	Operator to consider work to come into compliance with the limits in the permit, or present evidence to apply to vary compliance limits by 29 November or as otherwise agreed in writing with NRW.	29/11/2024

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.

#### **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

This Compliance Assessment Report has been completed following the compliance review of quarterly monitoring notifications submissions.

As per permit condition 4.3.1, Schedule 5 notifications of permit breaches have been submitted by the operator.

As per agreement, these breaches have been consolidated to an annual score. This report covers breaches in the calendar year of 2023.

#### **Leachate Level Breaches**

#### **W3A – Emissions to water, air or land – Permit Condition 3.5.1(b) Table 3.2 (amended) – Category 3 breach (consolidated)**

Monitoring and sampling undertaken in 2023 identified leachate level exceedances that were reported via Schedule 5 Notifications received throughout the year, as shown below.

<b>(b) Notification requirements for the breach of a permit condition</b>	
<b>To be notified immediately</b>	
Emission point reference/ source	BH9B, BH45B and LW8
Parameter(s)	Table – 4C of AC Plan and Table 3.2 of the EP
Limit	Ammoniacal Nitrogen = BH9B – 1.6 mg/l. BH45B – 59.5 mg/l. Depth = LW8 – 1.0 m
Measured value and uncertainty	BH9B – 2.8 mg/l BH45B – 67.0 mg/l. LW8 - 1.1 m
Date and time of monitoring	On site - 24/03/23 and laboratory results - 13/04/23
Measures taken, or intended to be taken, to stop the emission	Continue with routine monitoring.

<b>(b) Notification requirements for the breach of a permit condition</b>	
<b>To be notified immediately</b>	
Emission point reference/ source	LW17b
Parameter(s)	W17b - depth
Limit	LW17b - <1.0m
Measured value and uncertainty	LW17b – 2.5m
Date and time of monitoring	25/09/23
Measures taken, or intended to be taken, to stop the emission	Further repeat testing due next month.

  

<b>(b) Notification requirements for the breach of a permit condition</b>	
<b>To be notified immediately</b>	
Emission point reference/ source	BH45B, LW17
Parameter(s)	BH45B - Ammoniacal Nitrogen. LW17 – Leach Depth.
Limit	BH45B Trigger level - 59.5 mg/l. LW17 - <1.0m
Measured value and uncertainty	BH45B - 120 mg/l. LW17 – 2.5m
Date and time of monitoring	29/09/23
Measures taken, or intended to be taken, to stop the emission	These appear to be typical results based upon that previous. Repeat testing due next month.

  

<b>(b) Notification requirements for the breach of a permit condition</b>	
<b>To be notified immediately</b>	
Emission point reference/ source	BH45B, LWA1305CV
Parameter(s)	BH45B - Ammoniacal Nitrogen. LWA1305CV – Leach Depth.
Limit	BH45B Trigger level - 59.5 mg/l. LWA1305CV - <2.8m
Measured value and uncertainty	BH45B - 130 mg/l. LWA1305CV – 2.9m
Date and time of monitoring	15/11/23
Measures taken, or intended to be taken, to stop the emission	These appear to be typical results based upon that previous. Repeat testing due next month to review.

<b>(b) Notification requirements for the breach of a permit condition</b>	
<b>To be notified immediately</b>	
Emission point reference/ source	BH45B, LW17b
Parameter(s)	BH45B - Ammoniacal Nitrogen. LW17b – Leach Depth.
Limit	BH45B Trigger level - 59.5 mg/l. LW17b - <1.0m
Measured value and uncertainty	BH45B - 120 mg/l. LW17b – 2.9m (Nov & Dec)
Date and time of monitoring	29/11/23
Measures taken, or intended to be taken, to stop the emission	These appear to be typical results based upon that previous. Repeat testing due next month to review.

The table below, extracted from page 16 of the 2023 Annual Report shows these exceedances:

**Table 2G - Summary of Leachate Trigger level exceedance**

Leachate well	Leachate Levels (m above base of well)												Leachate compliance level (from September 2020 onwards)
	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	
LW5	1.24	0.8	1.63	1.14	0.73	0.39	0.39	0.85	1.18	1.58	1.45	1.43	1.6
LW8	0	0	1.14	0	0	0	0	0	0	0.64	0	0.96	1
LW15	1.52	1.3	1.65	0	0	0	0	0	0	1.06	0.17	0.1	2.1
LW17b	0	0	0	2.72	2.4	2.26	2.26	5.61	2.53	0	2.92	2.92	1
A1302	2.62	2.46	2.6	2.69	2.49	2.29	2.29	2.49	2.74	2.09	2.79	2.77	3
A1305	2.7	2.58	2.65	2.68	2.49	2.46	2.48	2.4	2.89	2.91	2.91	2.82	2.8

Empty cells signifies unable to be monitored

Some wells recorded as 'dry' on the monitoring records - these have been consider zero in the above table

Red text indicates exceedance of the well specific leachate level threshold (From September 2020)

The exceedance of leachate level limits are a consolidated category 3 breach of the permit condition 3.5.1 (b) and table S3.2, which was amended during HRA review in 2020 to the compliance levels shown in the above table.

These breaches have been consolidated into one annual category 3 breach of permit.

LW17b remains difficult to monitor the leachate levels. Typically this well appears to be steady around approximately 2.4-2.9m. It is the intention of the operator to review the data collected and submit an amendment to the Hydrogeological Risk Assessment for approval from NRW to amend the leachate level limit for this well. The wells surrounding LW17b have been monitored to compare the data.

**ACTION: Submit the proposal to NRW for the amend in leachate compliance level for LW17b by 30 November 2024 or as otherwise agreed in writing with NRW.**

Once submitted, any further compliance limit breaches may be suspended whilst NRW reviews the proposal.

**Groundwater Limit Breaches**

**W3A – Emissions to water, air or land – Permit Condition 3.5.1(c) Table 3.4 –**

**Category 3 breach (consolidated)**

Monitoring and sampling undertaken in 2023 identified exceedances of compliance limits for emissions into groundwater for Ammoniacal Nitrogen that were reported via Schedule 5 Notifications received throughout the year. Schedule 5 notifications shown below.

<b>(b) Notification requirements for the breach of a permit condition</b>	
<b>To be notified immediately</b>	
Emission point reference/ source	BH4 and BH45B
Parameter(s)	Table – 1B of Aftercare Plan
Limit	BH4 - Action Level – Carbon Dioxide 2.0% BH45B – Ammoniacal Nitrogen - Trigger level 59.5 mg/l
Measured value and uncertainty	BH4 - 3.7%, BH45B – 88.0 mg/l
Date and time of monitoring	27/02/23
Measures taken, or intended to be taken, to stop the emission	Continue with routine monitoring.

<b>(b) Notification requirements for the breach of a permit condition</b>	
<b>To be notified immediately</b>	
Emission point reference/ source	BH9B, BH45B and LW8
Parameter(s)	Table – 4C of AC Plan and Table 3.2 of the EP
Limit	Ammoniacal Nitrogen = BH9B – 1.6 mg/l. BH45B – 59.5 mg/l. Depth = LW8 – 1.0 m
Measured value and uncertainty	BH9B – 2.8 mg/l BH45B – 67.0 mg/l. LW8 - 1.1 m
Date and time of monitoring	On site - 24/03/23 and laboratory results - 13/04/23
Measures taken, or intended to be taken, to stop the emission	Continue with routine monitoring.

<b>(b) Notification requirements for the breach of a permit condition</b>	
<b>To be notified immediately</b>	
Emission point reference/ source	BH45B
Parameter(s)	Ammoniacal nitrogen
Limit	BH45B Trigger level - 59.5 mg/l.
Measured value and uncertainty	BH45B - 75 mg/l.
Date and time of monitoring	30/08/23
Measures taken, or intended to be taken, to stop the emission	N/A

<b>(b) Notification requirements for the breach of a permit condition</b>	
<b>To be notified immediately</b>	
Emission point reference/ source	BH45B, LW17
Parameter(s)	BH45B - Ammoniacal Nitrogen. LW17 – Leach Depth.
Limit	BH45B Trigger level - 59.5 mg/l. LW17 - <1.0m
Measured value and uncertainty	BH45B - 120 mg/l. LW17 – 2.5m
Date and time of monitoring	29/09/23
Measures taken, or intended to be taken, to stop the emission	These appear to be typical results based upon that previous. Repeat testing due next month.

<b>(b) Notification requirements for the breach of a permit condition</b>	
<b>To be notified immediately</b>	
Emission point reference/ source	BH45B, LWA1305CV
Parameter(s)	BH45B - Ammoniacal Nitrogen. LWA1305CV – Leach Depth.
Limit	BH45B Trigger level - 59.5 mg/l. LWA1305CV - <2.8m
Measured value and uncertainty	BH45B - 130 mg/l. LWA1305CV – 2.9m
Date and time of monitoring	15/11/23
Measures taken, or intended to be taken, to stop the emission	These appear to be typical results based upon that previous. Repeat testing due next month to review.

<b>(b) Notification requirements for the breach of a permit condition</b>	
<b>To be notified immediately</b>	
Emission point reference/ source	BH45B, LW17b
Parameter(s)	BH45B - Ammoniacal Nitrogen. LW17b – Leach Depth.
Limit	BH45B Trigger level - 59.5 mg/l. LW17b - <1.0m
Measured value and uncertainty	BH45B - 120 mg/l. LW17b – 2.9m (Nov & Dec)
Date and time of monitoring	29/11/23
Measures taken, or intended to be taken, to stop the emission	These appear to be typical results based upon that previous. Repeat testing due next month to review.

**The exceedance of Ammoniacal Nitrogen limits are a consolidated category 3 breach of the permit under condition 3.5.1(c) Table S3.4.**

The Annual Report 2023 suggests that there is no rising trend in ammoniacal nitrogen recorded, and that most of the control and trigger levels appear to be relevant, apart from BH5 which is set too high, and BH45B which has continued elevated ammoniacal nitrogen and the level may not be appropriate as an early warning of changes in the groundwater

quality. The report does not suggest any action to amend these.

**ACTION: Operator to consider work to come into compliance with the limits in the permit, or present evidence to apply to vary compliance limits by 29 November or as otherwise agreed in writing with NRW.**

**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.