

Compliance Assessment Report CAR_NRW0044482

Permit being assessed: BU8819IV.

For: Pwllfawatkin Landfill Site EPR/BU8819IV, **held by:** FCC Waste Services (UK) Limited

At: Pwllfawatkin Landfill Site , Pontardawe, SWANSEA, West Glamorgan, SA8 4RX.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 26/04/2024.

Parts of permit assessed: Q1 Monitoring Submission.

NRW Lead Officer: Benjamin Taylor.

Report sent to: Operations Manager, FCC Waste Services (UK) Limited, 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
IR3A - Installations - Emissions and monitoring - Emissions to water, air or land	C3 Minor (Suspended)	Permit condition 3.1.3.
IR3E - Installations - Emissions and monitoring - Monitoring	C3 Minor	Permit condition 3.5.1a.
IR4B - Installations - Information - Reporting	Assessed (A)	
IR4C - Installations - Information - Notification	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
2	4

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
IR3A	The Operator has submitted a permit variation application which includes a change to Ammoniacal Nitrogen Limit Value for WBH11B. This is awaiting approval by NRW Permitting	Already completed

Criteria	Action needed	Complete by
	Team.	
IR3E	Operator is to undertake remedial action on PWLMW4NB at the earliest viable opportunity and submit evidence to NRW following completion.	31/10/2024

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

Introduction

This Compliance Assessment Report (CAR) is an assessment of the monitoring results and associated Schedule 5 notifications submitted by the operator covering the Quarter 1 (Q1) January to March 2024 by FCC Waste Services (UK) Ltd (the Operator).

Scope

The following monitoring data has been assessed within this Compliance Assessment Report (CAR):

- Excel Data – Leachate Levels.
- Excel Data – Point Source Emissions to Air.
- Excel Data – Point Source Emissions to Water.
- Excel Data – Groundwater Quality Monitoring.
- Excel Data – Perimeter Landfill Gas Monitoring.
- Schedule 5: Notifications.

Q1 2024 Monitoring Returns

The monitoring data for the period Q1 2024 was submitted by the Operator on the 26th of April 2024. The submitted data contained all informative requirements outlined within permit condition 4.2.3a and as a result is **compliant**.

The data was sent within the reporting period (28 days), which is **compliant** with permit condition 4.2.3.

Leachate Level Limits

Limits regarding leachate levels associated with the Landfill Cells are specified within Schedule 3: Table S3.1 of the permit.

A CQA plan and specification for redrilling of PWLMW4NB was approved by NRW on the 16th of October 2023. With the surface of the capping membrane currently exposed, the well is not accessible for redrilling until a sufficient depth of restoration soil has been laid to allow access for the drilling rig. The completion of this will minimise risk of damaging the membrane surface by the traversing machinery. The operator has confirmed on a recent Site inspection carried out on the 16th of January 2024 that their intention is to prioritise this access when laying restoration soil. NRW were informed via email on the 30th of May 2024 that the remedial works on the leachate well is yet to be undertaken, with intention for this to be completed within this calendar year.

Compliance:

As of 15th of May 2024, there was cessation of the six-month suspension of non-compliance scoring regarding the obstruction of PWLMW4NB, which has restricted the ability of leachate monitoring. The Operator has submitted no data relating to the aforementioned leachate well, however it is noted that the previous four monitoring submissions have indicated the figure of 169.76mAOD.

As a result, a non-compliance score of C3 against criteria IR3E has been allocated to this breach of permit condition 2.8.1.

Action:

Operator is to undertake remedial action on PWLMW4NB at the earliest viable opportunity and submit evidence to NRW following completion.

Point Source Emissions to Air

Air emission parameters and limits are specified within Schedule 3: Table S3.2 of the permit.

There were no reported exceedances of the specified emission limit values (ELV) to air throughout Q1.

Point Source Emissions to Water (Other than Sewer)

The parameters and associated ELVs regarding point source emissions to controlled waters are specified within Schedule 3: Table S3.3 of the permit.

There were no reported exceedances of the specified emission limit values (ELV) to controlled waters throughout Q1.

Groundwater Quality

The parameters and associated ELVs regarding groundwater quality are specified within Schedule 3: Table

S3.4 of the permit.

The operator submitted three Schedule 5 Notifications (detailed within Table 1) regarding exceedances of the ELV of Ammoniacal Nitrogen (NH₃) within WBH11B, which is set at 1.0mg/l.

Borehole Reference	Monitoring Date	Parameter	Measured Value
WBH11B	16/01/2024	Ammoniacal Nitrogen (N:mg/l)	1.3mg/l
WBH11B	14/02/2024	Ammoniacal Nitrogen (N:mg/l)	1.1mg/l
WBH11B	06/03/2024	Ammoniacal Nitrogen (N:mg/l)	1.2mg/l

Table 1: List of exceedances of permitted levels detailed within Table S3.4

These exceedances are contrary to condition 3.1.3 of the permit, which is specified below.

'The limits given in Table S3.2 shall not be exceeded, save that compliance with an emission limit in that table shall include incorporation of the uncertainty allowance stated in Environment Agency guidance LFTGN 05 and LFTGN 08.'

The Operator submitted an investigation into potential sources of NH₃ within WBH11B on the 29th of April 2024 following an action set out by NRW in CAR_NRW0043453-Q4_2023 which showed there was no feasible linkage ascertained between landfill leachate, adjacent monitoring boreholes or the nearby mine adit to the exceedances.

The Operator has re-applied for a permit variation, which was Duly Made on the 5th of February 2024. The scope of the variation includes an increase in the maximum permitted level of Ammoniacal Nitrogen within WBH11B to 4.0mg/l.

Compliance:

The results showed within Table 1 are exceedances of the current permitted emission limits and represent non-compliance with the environmental permit. However, the non-compliance score will be suspended pending determination of the permit variation submitted by the operator on the 23rd of November 2023. The score is suspended with the following caveat; if the impact of the exceedance changes, the "permission" is limited to the specifics of this instance, it is time limited and if the application is not successful the scores will be applied retrospectively.

Perimeter Landfill Gas Monitoring

The parameters and associated limits regarding Landfill Gas within boreholes are specified within Schedule 3: Table S3.5 of the permit.

There were no reported exceedances of the specified emission limit values (ELV) to controlled waters throughout Q1.

Schedule 5 Notifications – Q1 (January – March 2024)

The Schedule 5 Notifications were submitted within the specified timeframe and is **compliant** with permit condition 4.3.2

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.