

## Compliance Assessment Report CAR\_NRW0045100

**Permit being assessed:** MP3036SS.

**For:** Whitehall Landfill, **held by:** Cemex UK Materials Ltd

**At:** Old Port Road, Cardiff, Glamorgan, CF5 6AW.

**Type of assessment:** Audit,

**Reason:** Routine.

**On:** 30/07/2024 between 09:00 and 15:00.

**Parts of permit assessed:** Infrastructure.

**NRW Lead Officer:** Brigid Armstead, accompanied by Sally Wakeford.

**Report sent to:** Neil Meredith, Site Manager, on 02/09/2024.

### 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	3.5.5

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

Total non-compliances recorded	Total non-compliance score
1	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
W3A	Ensure that emissions are maintained below emission limits.	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.

**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

On 30<sup>th</sup> July 2024 a site inspection was undertaken by NRW Officers, accompanied on site by the Site Manager from Cemex. The purpose of the site visit was to familiarise the officers with the site and review the infrastructure. This CAR covers the above mentioned site visit as well as the Section 6 notification received 30<sup>th</sup> May 2024 and the Q2 2024 Monitoring Report.

The Site is currently permitted to accept inert waste; however it stopped accepting waste at the end of October 2018 as filling is complete. The Site is now fully restored, and a Closure Plan was submitted to Natural Resources Wales (NRW) for review in September 2021. NRW has responded to this Closure Plan with further requirements and is awaiting further information from the operator.

### Technically Competent Manager

NRW were advised that our contact for this site has changed and should now be replaced with the Site Manager, who advised that they are the Technically Competent Manager for the site.

**Action 1:** Please provide a certificate of technical competence for our records.

### Notification of abnormal emissions:

NRW received a Schedule 1 part A notification from Cemex on 30<sup>th</sup> May 2024 advising that CH<sub>4</sub> levels at gas monitoring boreholes GM8 and GM10 were recorded above the level permitted in their permit MP3036SS for Whitehall Landfill.

Results received by NRW as follows:

Monitoring Point	Emissions reported	Emission Limit Value
GM8	2.8%v/v	1%v/v
GM10	2.8%v/v	1%v/v

Cemex has undertaken further sampling since this notification and has verified that the monitoring points have returned to being in compliance with the Permit.

The CH<sub>4</sub> level recorded at GM8 is an emissions failure and a breach of Permit condition 3.3.5 due to the emission limits in table 4.2 of the Permit being breached. **This is a category 3 non compliance.**

The CH<sub>4</sub> level recorded at GM10 is an emissions failure and a breach of Permit condition 3.3.5 due to the emission limits in table 4.2 of the Permit being breached. **This is a category 3 non compliance.**

As both GM8 and GM10 relate to the same media, were within the same monitoring period and for the same parameter, **these scores have been consolidated to a single Category 3 non compliance.**

### Landfill walkover

The visit took place on 30<sup>th</sup> July 2024 from 9am to 1pm. The weather on this day was warm and dry with no rain and a light breeze. A walkover of the landfill site was undertaken. The vegetation at the site was well managed and the site appeared to be in good condition.

During the walkover, the gas and groundwater monitoring infrastructure network was viewed. The majority of the equipment is in good working order, there were some repairs, labelling and management required to ensure that the infrastructure is fit for purpose.

#### **In-waste gas monitoring boreholes:**

11 new boreholes were drilled into the waste mass mid-2021 with approved CQA plans. These are monitored monthly for CH<sub>4</sub>, CO<sub>2</sub>, O<sub>2</sub>, pressure, diff pressure and flow rate and numbered GF1 to GF11. All boreholes were seen and all were found to be accessible and in good condition. Two (GF7 and GF9) of the eleven in waste boreholes were found to have their taps left open.

**Action 2:** Please provide a root cause analysis as to why the taps at monitoring points GF7 and GF9 had been left open and a plan of action to ensure that this infrastructure is suitably maintained. Due 7 October 2024.



Figure 1. GF 07



Figure 2. interior GF07

#### **External gas monitoring boreholes:**

The following external gas monitoring boreholes require monitoring under the Permit: GM2, GM4, GM5, GM7, GM8, GM10, GM11.

During the site visit, the following observations were made:

**GM2** was not easily accessible due to overgrown vegetation and was not clearly labelled or identifiable. When found, the borehole cover was not locked and the tap had been left on.

**Action 3:** Please ensure that access and identification at GM2 are improved by 4 November 2024.

**GM4** was not seen and NRW were advised by the Site Manager that this was no longer in use. A review of the recent reports gives monitoring results for this site.

**Action 4:** Please ensure that site SOPs and monitoring reflect the current status of GM4.

**GM5** and **GM7** and **GM11** were in good condition, easily locatable and accessible with no issues identified.

**GM8** had a broken lid which requires repair.

**Action 5:** Please repair the lid of GM8 Due 4 November 2024.

**GM10** was difficult to find as it is now in the centre of a pathway and the borehole has been levelled to the ground. The tap was found to be open when we arrived.

**Action 6:** Please ensure that the site is clearly identifiable via the operators SOPs.



Figure 3. GM2

**Action:** Please provide a root cause analysis for the taps being left open by 7 October 2024

**Groundwater monitoring boreholes:**

The following boreholes require monitoring under the current permit: BH1, BH3, BH3A, BH6, BH9, BH12, BH13, BH14, BH15

BH1, BH6, BH9, BH12, BH13, BH14 and BH15 were easily accessible and in good condition. However there was some confusion over BH3A and BH3. During the site visit, NRW were advised that BH3A was no longer in use. A site marked BH3A was seen to be overgrown (fig 3). BH3 was viewed (fig 3) but near to it, a second monitoring point also labelled as BH3 was found (fig 4).

**Action 7:** Please improve the site markings and operator SOPs so that these sites are easily identifiable.



Figure 7. BH3 furthest from path      Figure 8. BH3 closest to path

**Monitoring data:**

Q2 Monitoring results were received by NRW on 5<sup>th</sup> July 2024.

No exceedances of the compliance limits for groundwater have been recorded.

The monitoring results for BH1 were not reported for Q2 2024. A qualifier was reported as follows “ Results for this location have been made non-reportable due to the technician not having purged the borehole before sampling, thus the results were considered to be unreliable.”

**Action:** ensure that all monitoring requirements are fulfilled as per the Permit.

**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.