

Compliance Assessment Report CAR_NRW0045777

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: 23/10/2024.

Parts of permit assessed: Permit Conditions - 2.8.1, 3.1.1, 3.5.1, 4.2.3, 4.3.2.

NRW Lead Officer: Benjamin Taylor.

Report sent to: Operations Manager, FCC Environment, on 05/12/2024.

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	C3 Minor	Permit condition 3.5.1a.
IR3A - Installations - Emissions and monitoring - Emissions to water, air or land	C3 Minor (Suspended)	Permit condition 3.1.1.
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
IR3E	Operator is to undertake remedial action on PWLMW4NB at the earliest viable opportunity and submit evidence to NRW following completion.	31/08/2025

Criteria	Action needed	Complete by
IR3A	Ensure compliance with the ELVs specified within Schedule 3b: Table S3.4.	31/01/2025

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 3 (Q3) July to September 2024 by FCC Environment (UK) Ltd (the Operator).

Scope

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

- Pwllfawtkin Q3 Data 2024
 - 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.
 - Excel Data – Leachate Quality.

Quarter 3 Monitoring Submission Review

The monitoring data for the period Q3 2024 was submitted by the Operator on the 23rd of October 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.

The Operator is unable to undertake the required monitoring on Leachate Monitoring Well referenced PWLMW4NB, this is due to the presence of a blockage at 24m depth. A CQA plan and specification for redrilling of PWLMW4NB was approved by NRW on the 16th of October 2023. The Operator informed NRW on the 29th of October 2024 that they have been unable to undertake the re-drilling works due to the access issues arising from the exposed artificial capping membrane. They also outlined that they had investigated potentially alternative locations for the well installation, however concluded access issues are present throughout the cell in its entirety. It is the understanding of NRW that restoration works will be undertaken over the Summer of 2025, and the re-drilling works will commence once the restoration phase has been completed.

Compliance:

Permit condition 3.5.1a below states:

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

(a) Leachate specified in tables S3.1 and S3.9;'

As a result, for failing to monitor leachate levels within PWLMW4NB, a non-compliance score of C3 against criteria IR3E has been allocated to this breach of permit condition 3.5.1a.

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 Q3.

Point Source Emissions to Water (Other than Sewer)

The parameters and limits 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 Q3.

Groundwater Quality

The parameters and associated ELVs regarding groundwater quality are specified within Schedule 3: Table S3.4 of the permit.

There were two exceedances of the permitted ELVs during the Q3 reporting period, these are detailed within

Table 1 below:

Monitoring Point Reference	Parameter	Date	Recorded Value	Emission Limit Value
WBH11B	Ammoniacal Nitrogen (NH ₃)	08/08/2024	1.1mg/l	1.0mg/l
WBH11B	Ammoniacal Nitrogen (NH ₃)	04/09/2024	1.3mg/l	1.0mg/l

Table 1: Exceedances of Groundwater ELVs (Table S3.4) in Q3 2024

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.'

On the 29th of April 2024, the Operator (in response to an action placed upon them in **CAR_NRW0043453**) submitted an investigation into potential causes and linkages surrounding the Ammoniacal Nitrogen (NH₃) breaches at WBH11B. This included the comparison with NH₃ levels present in surrounding boreholes, the nearby mine adit and Phase1/Phase 2 Leachate Wells. In their conclusion they were unable to establish a linkage that explains the reason behind the aforementioned Ammoniacal Nitrogen breaches. The exceedances appear to be sporadic, with it being noted that there was no exceedances reported within the Q2 2024 monitoring period.

The Operator has submitted a permit variation application to NRW, which was Duly Made on the 5th of February 2024. Contained within the scope of this variation is the provision to increase 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) regarding perimeter landfill gas throughout Q3.

PWGP0025 was unable to be monitored due to waterlogged ground conditions restricting the gas flow and leading to water ingress into the Gas Analysing Unit. The Operator informed NRW on the 21st of October 2024 that they have relocated the gas probe well 4m closer the landfill to address these issues. Future monitoring would be undertaken on the relocated gas well, with the original one now redundant.

On the 21st of November 2024, NRW requested additional information surrounding the installation of the probe, which was a requirement of the Quality Assurance (CQA) Guidance. The Operator provided this information (document reference: *Pwllfawatkin Validation Report GP25*) on the 3rd of December 2024. The submitted document satisfied the NRW Officer that the works, which were relatively minor had been completed to a sufficient standard.

Landfill Gas Field Monitoring

The parameters regarding the landfill gas field are specified within Schedule 3: Table S3.8 of the permit.

The Operator fulfilled monitoring frequency requirements as specified by permit condition 3.5.1d.

Leachate Quality

The parameters regarding leachate quality are specified within Schedule 3: Table S3.9 of the permit.

The Operator fulfilled monitoring frequency requirements as specified by permit condition 3.5.1a.

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.