

Compliance Assessment Report

Report ID:
CAR_NRW0034436

This form will report compliance with your permit as determined by an NRW officer

Site	Giants Grave Landfill	Permit Ref	SP3298FT		
Operator/Permit holder	Neath Waste Management Co Ltd				
Regime	Waste Operations				
Date of assessment	30/09/2018	Time in	N/A	Out	N/A
Assessment type	Check Monitoring/Sampling				
Parts of the permit assessed	monitoring and reporting				
Lead officer's name	Thomas, Ffion				
Accompanied by					
Recipient's name/position	Michael Jones / Site manager	Date issued	10/01/2019		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
E2 - Emissions - Land and groundwater	C3	3.1.4 Table S3.4
	C3 - Suspended	2.7.1 Table S3.2

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	4
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

This compliance Assessment Report (CAR) form has been completed following the compliance review of quarterly monitoring notification submissions.

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

As per NRW's Compliance Classification scheme these breaches have been consolidated to the quarter. This CAR form covers those notifications and results received in Q3 2018 – covering the period July to September. Extracts from the CCS guidance have been included into the end of this CAR to explain and document how consolidation and suspension of breaches is undertaken.

Leachate Level breaches:

Monitoring/sampling undertaken on the 26/9/18 identified leachate level exceedances that were reported via a schedule 5 notification received 15th November 2018.

The results are copied below:

(b) Notification requirements for the breach of a permit condition	
To be notified immediately	
Emission point reference/ source	LW15, LW16, A1301, A1302, A1303, A1304, A1305CV
Parameter(s)	Leachate head
Limit	1 m
Measured value and uncertainty	LW15 (1.24m), LW16 (2.48 m), A1301 (6.96 m), A1302 (2.00 m), A1303 (3.73 m), A1304 (1.36 m), A1305CV (1.79 m)
Date and time of monitoring	September 2018
Measures taken, or intended to be taken, to stop the emission	N/A

The exceedance of leachate level limit are breaches of the permit under condition 2.7.1 Table S3.2 and are scored as 1 x CCS Cat 3.

The regulatory officer has consolidated the leachate well breaches into 1 Cat 3 score (Cat 3 due to the dilute and disperse nature of the site)

A non-compliance was previously scored under CAR ref CAR_NRW0034132

This Breach score has been suspended.

ACTION:

It is known through verbal discussion with the operators (and to be agreed in writing during a meeting to be held on the 7th Feb 2019) that evidence to support a level limit variation application by the operator is pending.

As such this score has been suspended for 6 months from the date of this CAR form being issued. As long as the evidence and variation of leachate levels is completed and submitted within 6 months this suspension will remain. If the levels are not varied, then subsequent level breaches will be scored.

Ground water and Surface water breaches:

Monitoring/sampling undertaken on the 28/8/18 identified Ammonical Nitrogen limit exceedance in the groundwater borehole BH9, this were reported via an email notification received 17th September 2018.

The results are copied below:

I write to inform you of some non-compliances in the latest set of results:

- Groundwater borehole BH9B ammoniacal nitrogen was 2.7 mg/l against trigger and control levels of 1.6 and 1 respectively.
- River North ammoniacal nitrogen was 0.42 mg/l against trigger and control levels of 0.4 and 0.3 respectively.
- River South ammoniacal nitrogen was 0.97 mg/l against trigger and control levels of 0.5 and 0.3 respectively.

The exceedance of Ammoniacal Nitrogen limit is a breaches of the permit under condition 3.1.4 Table S3.4 and are scored as 1 x CCS Cat 3

There are no permit limits for the surface water locations of the river nor canal. The trigger levels in the sites aftercare management plan are not replicated into the permitted emission limits as these are not discharge points, and therefore the aftercare plan limits should be 1st and 2nd control levels.

There is however a separate discharge consent for the emissions from the leachate lagoon, which all site surface water run off drains to. Any compliance issues related to the discharge consent will be recorded under separate CAR specific to the discharge consent.

A further emission limit breach was notified on the 16th November via schedule 5 notification. Monitoring/sampling undertaken on the 26/918 identified Ammonical Nitrogen limit exceedance in the groundwater borehole BH9

The results were:

(b) Notification requirements for the breach of a permit condition	
To be notified immediately	
Emission point reference/ source	BH9B, River South
Parameter(s)	Ammoniacal nitrogen
Limit	BH9B Trigger level 1.6 mg/l. River South Trigger level 0.5 mg/l
Measured value and uncertainty	BH9B 2.6 mg/l, River South 0.73 mg/l.
Date and time of monitoring	26 th September 2018
Measures taken, or intended to be taken, to stop the emission	N/A

The exceedance of Ammoniacal Nitrogen limit is a breach of the permit under condition 3.1.4 Table S3.4. As recorded within the same quarter as the above breach consolidation has been applied.

Within the 2017 annual report the operator suggested review of compliance limits but did not suggest new limits. Further monitoring was suggested by the operator. NRW agreed in Car ref NRW0034132 with these suggestions but would need to review any suggested new limits (including how they have been derived) before fully commenting. Any variation of limits would require a variation of the permit.

ACTION:

Operator to either work to come into compliance or present evidence/apply to vary. Further discussion can be had during the proposed meeting of the 7th Feb 2019.

END

CCS Guidance note extracts explaining principals of consolidation and score suspension

*We **consolidate** ongoing non-compliance over a set period of time and date them on the last day of the reporting period in question.*

There ...circumstances where you must consolidate multiple CCS

scores into a single record.

These are:

■ *When non-compliances are observed in self-monitoring data or other*

information that an installation or waste operation submits to us

periodically, in accordance with deadlines specified in a permit

operators submit data and reports based on self monitoring. When an operator's data submission contains a monitoring result or results that exceed a limit in the permit then this is non-compliance and must be entered onto CCS.

Different permits have different reporting periods. Consolidation allows us to treat each operator consistently. We date the non-compliance as if it took place on the last day of a reporting period, not by the date that a breach actually occurred.

*Any monitoring in excess of what is required by the permit is not recorded on CCS. We will enter one non-compliance for each limit value that is breached **during a quarter**, regardless of reporting period.*

When consolidating non-compliance we define quarters as the periods below:

January 1 – March 31

April 1 – June 30

July 1 – September 30

October 1 – December 31

Most current permit templates require operators who submit monitoring data to do so quarterly and submit their data by the end of the following month in the manner below:

Quarter Submission deadline

Q1 - 1 Jan – 31 Mar 30 Apr

Q2 - 1 Apr – 30 Jun 31 July

Q3 - 1 Jul – 30 Sep 31 Oct

Q4 - 1 Oct – 31 Dec 31 Jan

Where a limit is breached multiple times during a quarter's monitoring then we consolidate these to one non-compliance, dated on the last day of the quarter in question.

Where two or more limits are breached on one or more occasion, then we record one breach for each limit exceeded during that period. For example, a landfill that reports two non-compliances with leachate head trigger levels during Jan-Mar would be scored once, with a non-compliance date of 31 March. If the same site reported a breach of a landfill gas trigger

level during the same quarter then this would be recorded as an additional non-compliance, also dated 31 March.

When an operator submits data monthly we record a non-compliance with a limit at the end of the monthly reporting period (using the last day of the month as the non-compliance date). We only record this particular noncompliance once in a quarter.

Breaches of the same limit later in the following months' monitoring data should be mentioned in the CAR form comments box, but should be consolidated against the previous month's record. Once a new quarter starts then the breach can be recorded again.

Suspension means that we record non-compliances on the CCS database but do not count them towards the operator's compliance rating. Some complex non-compliant situations take a long time to resolve. Suspending CCS scores allows us to provide an operator with an incentive to improve their performance as they are less likely to drop to a worse compliance band.

CCS scores can only be suspended for a maximum of **six** months and voluntary agreements should only be available to operators with a good compliance history.

Where you identify non-compliance on a site then you must never suspend the first CCS record. You can only agree to suspend subsequent scores incurred while an operator is working toward compliance. The two circumstances where we 'suspend' CCS scores are:

1. where we have served an enforcement notice requiring compliance
2. when an operator has proposed a reasonable action plan to achieve

compliance voluntarily and we have this in writing.

The following six steps must **always** be followed when coming to a voluntary agreement to suspend CCS scores:

1. we must have identified the correct operator and the appropriate

permit non-compliance

2. we must check whether any of the [Rules on Suspending Scores](#)

below prevent us from suspending CCS scores

3. the operator must submit a written action plan. A recommended

template letter can be found in [Annex 4](#).

4. we must check that the proposed action plan requires all activities to

be completed within six months. Any proposal must be agreed by an

Environment Agency Team Leader and recorded on EDRM.

If an operator cannot return to compliance within six months then we

consider them unsuitable for suspending scores.

5. we must monitor the operator's progression against the agreed

timescales and record all progress toward compliance/milestones on

EDRM.

either

6a. we agree that the works are completed and the site is now compliant,

or

6b. we determine that the site remains non-compliant, consider our

enforcement response and remove the 'suspension flag' on the CCS

database (an Area Administrator can do this for you)

Our discretion *Unless there is a statutory notice in place, remember that suspension of CCS scores is a concession that we choose to make to operators taking positive action. **It is not a right** and **we are not obliged** to suspend CCS scores.*

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034436**

This form will report compliance with your permit as determined by an NRW officer

Site	Giants Grave Landfill	Permit Ref	SP3298FT
Operator/Permit holder	Neath Waste Management Co Ltd	Date	30/09/2018

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
E2	C3	Within the 2017 annual report the operator suggested review of compliance limits but did not suggest new limits. Further monitoring was suggested by the operator. NRW agreed in Car ref NRW0034132 with these suggestions but would need to review any suggested new limits (including how they have been derived) before fully commenting. Any variation of limits would require a variation of the permit. ACTION: Operator to either work to come into compliance or present evidence/apply to vary. Further discussion can be had during the proposed meeting of the 7th Feb 2019.	31/03/2019
E2	C3	It is known through verbal discussion with the operators (and to be agreed in writing during a meeting to be held on the 7th Feb 2019) that evidence to support a level limit variation application by the operator is pending. As such this score has been suspended for 6 months from the date of this CAR form being issued. As long as the evidence and variation of leachate levels is completed and submitted within 6 months this suspension will remain. If the levels are not varied, then subsequent level breaches will be scored.	31/03/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.