

Compliance Assessment Report

Report ID:
CAR_NRW0034811

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

Site	St Modwen Developments Ltd	Permit Ref	AP3990LR		
Operator/Permit holder	St Modwen Developments Limited				
Regime	Waste Operations				
Date of assessment	31/01/2019 - 13/03/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	4.2.2				
Lead officer's name	Thomas, Ffion				
Accompanied by					
Recipient's name/position	Dan Welch/ Consultant	Date issued	13/03/2019		

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
A1 - Specified by permit	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

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	0	Total compliance score (see section 5 for scoring scheme)	0
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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 review of the Crymlun Tip, Coed Darcy Annual Monitoring Report 2018.

The submission along with technical notes were received the Waste Regulation team and reviewed by NRW's Geoscience team. The following comments are made:

Information received:

1. Technical Note – Ongoing Monitoring Quarterly Technical Note 2 – Coed Darcy Crymlyn Tip – Environmental Permitting Monitoring. Atkins, Project number: 5041216, September 2018.
2. Coed Darcy Crymlyn Tip – Environmental Permit Monitoring – Ongoing Monitoring - Annual Report. Atkins, Job number: 5041216, January 2019.

Monitoring network

The leachate monitoring network has a very low percentage rate of successful sampling over the last 12 months. It only achieves 19% success from 9 leachate monitoring wells. Sites that are deemed inaccessible should be reviewed for alternative locations or access made with maintenance of the surrounding area. The monitoring locations affected by NAPL may need to be sampled by alternative methods to allow a dissolved sample to be taken. There is no explanation to why the NAPL was present at the end of the year. Please provide further comment, is there a seasonal variation to this?

The groundwater monitoring network appears to have had better success with only CARW0034 being lost due to an obstruction. Please confirm when will this obstruction be removed so that sampling can be resumed? Please confirm when sampling is resumed.

The proposed new monitoring locations need to be added as soon as possible to allow a greater coverage of the site both for leachate and background water quality. We note the ecological issues that have led to the delays. Please confirm the current status of this infrastructure

timeframe. Liaison to facilitate infrastructure improvements is on offer by the waste regulation team if deemed appropriate.

Data presentation and interpretation

The water quality data is not presented graphically, but we note the limited data from which to do this for the leachate network. Please consider the data formatting for future submissions.

The groundwater level data is only presented as dip data, i.e. metres below ground level. Ideally it should also include metres Ordnance Datum to allow groundwater flow direction and gradients to be determined. The groundwater levels data should also be plotted spatially to allow groundwater contours to be determined for winter highs and summer lows. Please consider adding this information in future submissions.

Within Table 3-2 the Environmental Assessment Levels (EAL) are presented, but then there is no comparison of the EALs with the observed data. Therefore, the conclusions are only factual with no interpretation. Please ensure interpretation is included.

The Hydrogeological Risk Assessment report from 2013 recommended 12 monthly monitoring prior to deriving compliance limits and control levels. Based on the data presented, we would suggest a more complete data set be submitted before deriving compliance limits and control levels. Following receipt of a more complete data set permit variation can be discussed to incorporate agreed compliance limits.

Please note we have not undertaken a fully reviewed the gas monitoring data, the report submitted has not been cross referenced to the Gas Risk Assessment. A short review of the information presented in the annual report was undertaken. It is noted that additional monitoring boreholes, 10 in number, are proposed but as above we note the delay in installation. Again, our comments are that these boreholes need to be installed as soon as possible to allow a greater coverage of the site and better understanding of possible gas migration.

No interpretation of the in waste nor external gas levels was included. Whilst trends have been commented on this factual information but does not include interpretation. For future submissions please include interpretations and cross reference to the GRA to ensure the risk assessment is still valid against collected data. With regards to external gas discussion could also be included regarding gas types, landfill/peat.

It is understood that emission limits are yet to be agreed, pending agreement of the closure and aftercare management plans.

I have reviewed the status of this closure work, an update to your letter referenced 5041216-RAP-OUT-000542 dated 2nd November 2017 would be gratefully received.

End.

EPR Compliance Assessment Report

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Operator/Permit holder	St Modwen Developments Limited	Date	31/01/2019

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.

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			

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.