

## Compliance Assessment Report CAR\_NRW0045930

**Permit being assessed:** MP3036SS.

For: Whitehall Landfill, held by Cemex UK Materials Ltd

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

**Type of assessment carried out:** Report/Data Review, Reason: Routine.

On 08/01/2025.

Parts of permit assessed: Emissions

**NRW Lead Officer:** Brigid Armstead.

**Report sent to:** Neil Meredith, Site Manager on 23/01/2025.

### 1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
W3A(1) - Waste - Emissions and monitoring - Emissions to water	Ongoing (O)	3.2.3 Q3 Amm N in BH1
W3A(1) - Waste - Emissions and monitoring - Emissions to water	Ongoing (O)	3.2.3 Q3 Napthalene in BH13
W3A(1) - Waste - Emissions and monitoring - Emissions to water	Ongoing (O)	3.2.3 Q3 Iron in BH1
W3A(1) - Waste - Emissions and monitoring - Emissions to water	Ongoing (O)	3.2.3 Q4 Napthalene in BH1
W3A(1) - Waste - Emissions and monitoring - Emissions to water	Ongoing (O)	3.2.3 Q4 Amm N in BH1
W3A(1) - Waste - Emissions and monitoring - Emissions to water	Ongoing (O)	3.2.3 Q4 Napthalene in BH12
W3A(1) - Waste - Emissions and monitoring - Emissions to water	Ongoing (O)	3.2.3 Q4 Napthalene in BH13
W1A - Waste - Management - General management	C4 No impact	1.1.1b

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

Total number of non-compliances recorded	Total non-compliance score
1	0.1

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(1)	Please ensure that a thorough assessment of the groundwater monitoring results is included in the 2024 AER as required under 4.2.1.	31/01/2025

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W1A	Please ensure that all monitoring points are suitably maintained for monitoring.	31/01/2025

Action 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

This CAR is a response to the receipt by NRW of Q3 monitoring reports and schedule 6 notifications from Cemex regarding Whitehall Quarry. Q3 Monitoring results were received by NRW on 27<sup>th</sup> September 2024. Schedule 6 notifications were received on 31 July and 18<sup>th</sup> September and 12 November 2024.

**Monitoring data**

**Groundwater**

Permit MP3036SS requires monitoring and quarterly reporting of groundwater quality at four down-gradient perimeter boreholes, BH1, BH12, BH13 and BH14 and at five up-gradient boreholes BH3, BH3A, BH6, BH9 and BH15. This groundwater monitoring changed from monthly to quarterly in 2015 by agreement with NRW.

The 2024 Q3 GW monitoring results were received for BH1, BH3A, BH12, BH13, BH14 and

BH15. No results were received for BH3, BH6 and BH9 as they were dry or did not contain enough water to sample.

Compliance limits are set for Ammoniacal Nitrogen, Chloride, Iron, Potassium and Napthalene in the down gradient boreholes. The results received were within compliance limits for BH12, BH13, BH14.

The Q3 results for BH1 were within compliance limits for the above mentioned determinants' with the exception of Ammoniacal N, where a result of 1.4mg/l was recorded. This is a breach of the compliance limit for this parameter at this location being 0.39mg/l.

**C3.2.3 non compliance due to BH1 breaching permit limit for Ammoniacal N in Q3 of 2024. This is an ongoing noncompliance, assessed in 2022 as having a likely offsite causal effect. Listed non scoring noncompliance – 0 points**

**Notification of abnormal emissions:**

**Schedule 6 notification received 31 July 2024.**

Groundwater monitoring data from samples taken on 18/7/24 showed non compliances with permit emission limits for Napthalene in BH13 and Ammoniacal nitrogen in BH1. Part B of the schedule 6 specifies that a resample has been organised. The resample of BH13 provided a monitoring record within the compliance limit for naphthalene.

**C3.2.3 non compliance due to BH13 breaching permit limit for Napthalene in Q3 of 2024. This is an ongoing noncompliance, assessed in 2022 as having a likely offsite causal effect. Listed non scoring noncompliance – 0 points**

**Schedule 6 received on 18 September 2024**

Groundwater monitoring data from samples taken on 29/08/24 found non compliances with permit emission limits for Iron and ammoniacal nitrogen in BH1. Part B indicates that the operator will be organising further training / mentoring to ensure that monitoring protocols are adhered to.

**C3.2.3 non compliance due to BH1 breaching permit limit for Iron in Q3 of 2024. This is an ongoing noncompliance, assessed in 2022 as having a likely offsite causal effect. Listed non scoring noncompliance – 0 points**

**Schedule 6 received on 12 November 2024**

Groundwater monitoring data from samples taken on 30/10/24 found non compliances with permit emission limits for Napthalene and Ammoniacal nitrogen in BH1 and Napthalene in BH12 and BH13. Part B of the schedule 6 specifies that a resample has been organised.

**C3.2.3 non compliance due to BH1 breaching permit limit for Napthalene in Q4 of 2024. This is an ongoing noncompliance, assessed in 2022 as having a likely offsite causal effect. Listed non scoring noncompliance – 0 points**

**C3.2.3 non compliance due to BH1 breaching permit limit for Ammoniacal N in Q4 of 2024. This is an ongoing noncompliance, assessed in 2022 as having a likely offsite causal effect.**

**Listed non scoring noncompliance – 0 points**

**C3.2.3 non compliance due to BH12 breaching permit limit for Napthalene in Q4 of 2024. This is an ongoing noncompliance, assessed in 2022 as having a likely offsite causal effect. Listed non scoring noncompliance – 0 points**

**C3.2.3 non compliance due to BH13 breaching permit limit for Napthalene in Q4 of 2024. This is an ongoing noncompliance, assessed in 2022 as having a likely offsite causal effect. Listed non scoring noncompliance – 0 points**

The above mentioned groundwater limit exceedances have previously been acknowledged as being likely being influenced by an offsite causal effect. Whilst these are ongoing non-compliances, they are not scored as per CAR\_NRW0041175.

Action: Please ensure that a thorough assessment of the groundwater monitoring results is included in the 2024 AER as required under 4.2.1.

**Perimeter gas boreholes**

Permit MP3036SS requires reporting of specified parameters from perimeter gas monitoring boreholes GM2, GM4, GM5, GM7, GM8, GM10, GM11.

No results were received for GM7 as the location was inaccessible due to the borehole location being overgrown.

**C1.1.1 Failure to maintain monitoring sites is a general management failure and a breach of permit condition 1.1.1b) This is a category 4 non compliance.**

Action: Please ensure that all monitoring points are suitably maintained for monitoring.

**Any compliance criteria not highlighted in the above summary should be considered as not assessed.**

**END**

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.

### **What are suspended scores?**

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 and Waste action criteria (used in section 1 and 2):**

#### **A: Permitted activities**

- A1 Specified by permit

#### **B: Infrastructure**

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

#### **C: General management**

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

#### **D: Incident management**

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

#### **E: Emissions**

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

#### **F: Amenity**

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

#### **G: Monitoring and records, maintenance and reporting**

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

#### **H: Resources efficiency**

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

### **Enforcement response**

Any permit condition non-compliance 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 20 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 – 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.