

Compliance Assessment Report CAR_NRW0046071

Permit being assessed: VP3935AT.

For: Tir John Landfill, **held by:** Enovert South Ltd

At: Wern Fawr Road, Off Fabian Way, Port Tenant, SWANSEA, West Glamorgan, SA1 8LN.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 31/12/2024.

Parts of permit assessed: Q4 2024 Monitoring returns.

NRW Lead Officer: Daniel Packer.

Report sent to: Lance Jones, Area Operations Manager, on 14/04/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3A(1) - Installations - Emissions and monitoring - Emissions to water	C3 Minor	3.1.2 and 3.1.5 Table S3.5
IR3A(1) - Installations - Emissions and monitoring - Emissions to water	C3 Minor	3.1.2 and 3.1.5 Table S3.5
IR3A(1) - Installations - Emissions and monitoring - Emissions to water	C3 Minor	3.1.2 and 3.1.5
IR3A(2) - Installations - Emissions and monitoring - Emissions to air	Assessed (A)	
IR2I - Installations - Operations - Leachate levels (only applicable to landfill)	C2 Significant	3.1.2 and 3.1.5 and TableS3.5

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

Total non-compliances recorded	Total non-compliance score
4	43

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
IR3A(1)	Submit application to vary the permit	16/03/2025
IR3A(1)	Review and monitor GDW04 to identify why the Cis-1,2-Dichloroethene level is high. Identify remedial action required to reduce this to within permitted levels.	16/03/2025
IR3A(1)	Submit application to vary the permit.	16/03/2025
IR2I	Provide update regarding solution progress for blockage clearance. Please clarify where there are blockages and submit a CQA plan for redrilling the wells.	16/03/2025

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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

This Compliance Assessment Report (CAR) is an amended version of that originally produced on 30/01/2025.

This Compliance Assessment Report (CAR) is an assessment of the 2024 Q4 reporting submission required by the permit of the operator, Enovert Limited - Tir John Landfill.

The Q4 monitoring returns have been submitted to NRW in full, inside the reporting window as required by condition 4.2.3 of the permit. This represents compliance with the environmental permit under permit condition 4.2.

Ground Water

From a review of the information submitted, ground water monitoring was undertaken. GDW18 shows elevated levels of Ammoniacal-N (mg/l) with a reported reading of 19 mg/l. This is significantly over the permitted level of 5 mg/l. This represents a non-compliance with the stipulated emission limit required under permit condition 3 - Emissions and monitoring.

A category 3 (C3) non-compliance score has been applied against permit condition 3.1.2 and 3.1.5 Table S3.5 for the quarter for GDW18.

No monitoring data was supplied for GDW09 as you have stated in the data comments "*Underwater*"

There are historic records of the site breaching ammoniacal limits captured under previous CAR forms, and it is recognised that previous annual reports and HRA discuss the issue. Until such time as an application is made to vary the permit and the variation is determined/approved the current limits apply. Note there is no guarantee that an application to vary the permit will result it in being granted.

ACTION - Submit application to vary the permit.

GDW04 shows elevated levels of Cis-1,2-Dichloroethene with a reported reading of 4.9 ug/l. This is significantly over the permitted level of 1 ug/l. This represents a non-compliance with the stipulated emission limit required under permit condition 3 - Emissions and monitoring.

A category 3 (C3) non-compliance score has been applied against permit condition 3.1.2 and 3.1.5 Table S3.5 for the quarter for GDW04

ACTION – Review and monitor GDW04 to identify why the Cis-1,2-Dichloroethene level is high. Identify remedial action required to reduce this to within permitted levels.

The other Cis-1,2-Dichloroethene levels, is being reported as all showing <3 ug/l. However, the limit set within the permit is 1 ug/l. Until such time as an application is made to vary the permit the current limits apply.

The Tributyl Phosphate levels, is being reported as all showing <0.1 ug/l. However, the limit set within the permit is 0.02 ug/l. Until such time as an application is made to vary the permit the current limits apply.

The operator stated, *“Our consultants are currently collating data for the forthcoming HRA review, which is recognised as being an important driver in establishing data requirements and compliance limit setting for the permit variation. We are collecting some more samples for analysis before the review can be drafted.*

We expect the review to be complete in Q1 2025 and we are also reviewing what else may be required such a perimeter gas review, and updated leachate management plan. The variation application will follow this work, later in 2025.”

ACTION - Submit application to vary the permit.

Ortho Phosphate levels recorded above the permitted limit of 0.05 mg/l across several wells. This represents a non-compliance with the stipulated emission limit required under permit condition 3 - Emissions and monitoring.

Sample point	Date	Limit	Result
GDW05.	17/10/2024,	0.05,	0.44 mg/l
GDW06.	17/10/2024,	0.05,	0.18 mg/l
GDW07.	17/10/2024,	0.05,	0.47 mg/l
GDW10.	17/10/2024,	0.05,	0.34 mg/l
GDW11.	17/10/2024,	0.05,	0.23 mg/l

GDW14.	17/10/2024,	0.05,	0.85 mg/l
GDW18.	17/10/2024,	0.05,	0.18 mg/l

A category 3 (C3) non-compliance score has been applied against permit condition 3.1.2 and 3.1.5 Table S3.5 for the quarter for these results.

Several wells are also showing above permitted levels at the same result. Ortho Phosphate is being reported as showing <0.062. However, the limit set within the permit is 0.05 (mg/l).

Sample point	Date	Limit	Result
GDW8,	17/10/2024,	0.05	<0.062 mg/l
GDW12,	17/10/2024,	0.05	<0.062 mg/l
GDW15,	17/10/2024,	0.05	<0.062 mg/l
GDW16,	17/10/2024,	0.05	<0.062 mg/l
GDW17,	17/10/2024,	0.05	<0.062 mg/l

The operator stated. *"We switched to a new accredited laboratory in January 2021 and the permit limits set for Orthophosphate are lower than the laboratory can reach using accredited analytical methods, therefore many of the results are less than the limit of detection."*

Historical breaches of Orthophosphate have primarily occurred in the boreholes on the Northern perimeter of the Tir-John site. These are thought to be from non-landfill sources. We are planning to review the limits set on orthophosphate in the next permit variation application."

The operator also stated. *"Our consultants are currently collating data for the forthcoming HRA review, which is recognised as being an important driver in establishing data requirements and compliance limit setting for the permit variation. We are collecting some more samples for analysis before the review can be drafted. We expect the review to be complete in Q1 2025 and we are also reviewing what else may be required such a perimeter gas review, and updated leachate management plan. The variation application will follow this work, later in 2025."*

Whilst the above is acknowledged, until such time as an application is made to vary the permit and the variation is determined/approved the current limits apply.

ACTION - Submit application to vary the permit.

The Dichlorprop levels and Zinc , have been submitted and are complainant with permitted levels.

Emissions to Air

From a review of the information submitted, engine gas, compound and flaring monitoring was undertaken, and the results for Nox (mg/m³), CO (mg/m³) were compliant with the stipulated emission limit required by permit condition 3 Emissions and monitoring.

Leachate

Leachate Quality

From a review of the information submitted, Leachate Quality monitoring was undertaken, with the following sample point data missing: LEW7, LEW8, LEW10, LEW11, LEW13, LEW14a, LEW15 and LEW17.

This represents a non-compliance to fulfil the monitoring and reporting requirement required under permit condition 3 - Emissions and monitoring.

Several wells were unable to provide data as shown below:

LEW05A Data Comment "dry"

LEW6 Data Comment "Insufficient to sample"

LEW09a Data Comment "dry"

LEW16 Data Comment "Not yielding any sample"

LEW22 Data Comment "Not yielding any sample"

ACTION – Ensure all data is submitted. Operator to clarify inconsistencies with the data submitted.

Leachate Level

From a review of the information submitted, Leachate level monitoring was undertaken, and the results were non-compliant with the stipulated emission limit required under permit condition 3 - Emissions and monitoring, on the following sample points: LEW07, LEW13a, LEW20, LEW21, LEW22, LEW23, LEW24, LEW25, LEW26, LEW28, LEW29, LEW31 and LEW32.

LEW14 , LEW14a, LEW15a, LEW16 stated "*affected by solidifying substance, blocking pumps*"

LEW27 stated "*Tape stuck in dip tube*"

A C2 score has been applied for this quarter against permit conditions 3.1.2 and 3.1.5 and TableS3.5. Please note the score has been escalated due to the ongoing non-compliance and the scale of non-compliance.

These 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 actions issued in previous CAR NRW0045973. The score is suspended with the following caveat; if the actions required are not acted upon within the time scale stipulated the scores will be applied retrospectively.

This score has now been unsuspended as the actions have not been acted upon within the time scales stipulated and the score will be applied retrospectively.

ACTION – Provide update regarding solution progress for blockage clearance. Please clarify where there are blockages and submit a CQA plan for redrilling the wells.

Schedule 5 notification Q4Leachate Levels

The operator submitted to NRW on 14 November 2024 a Schedule 5 notification in line with the environmental permit for leachate levels recorded above the permitted limit. A consolidated C2 score has been applied for the quarter.

Failure to maintain leachate levels (during the Q4 monitoring period) in accordance with the limits set in the permit are a breach of conditions 2.8.1 and 3.1.2 of your permit.

The operator submitted to NRW on 9 December 2024 a Schedule 5 notification in line with the environmental permit for leachate levels recorded above the permitted limit. A consolidated C2 score has been applied for the quarter.

Failure to maintain leachate levels (during the Q4 monitoring period) in accordance with the limits set in the permit are a breach of conditions 2.8.1 and 3.1.2 of your permit.

The operator submitted to NRW on 23 December 2024 a Schedule 5 notification in line with the environmental permit for leachate levels recorded above the permitted limit. A consolidated C2 score has been applied for the quarter.

Failure to maintain leachate levels (during the Q4 monitoring period) in accordance with the limits set in the permit are a breach of conditions 2.8.1 and 3.1.2 of your permit.

Following a review of recent Schedule 5 notifications, there are consistent exceedances of the permitted leachate levels in several wells across the site. From the notifications provided, it is unclear which monitoring locations are blocked, which represent actual exceedances of the leachate limit, and also in which wells the pumps have failed.

Please clarify where there are blockages and submit a CQA plan for redrilling the wells.

Groundwater

The operator submitted to NRW on 23 December 2024 a Schedule 5 notification in line with the environmental permit for Ammoniacal-N (mg/l), Ortho Phosphate and Cis-1,2-Dichloroethene levels recorded above the permitted limit.

Levels were exceeded at the following locations:

Ammoniacal-N as N mg/l:

ID	Date	Ammoniacal-N (mg/l)	
		Result	Limit
GDW18	17/10/2024	19	5

Ortho Phosphate as PO4 mg/l:

ID	Date	Phosphate (mg/l)	
		Result	Limit

GDW04	17/10/2024	0.081	0.05
GDW05	17/10/2024	0.44	0.05
GDW06	17/10/2024	0.18	0.05
GDW07	17/10/2024	0.47	0.05
GDW08	17/10/2024	< 0.062	0.05
GDW10	17/10/2024	0.34	0.05
GDW11	17/10/2024	0.23	0.05
GDW12	17/10/2024	< 0.062	0.05
GDW14R	17/10/2024	0.85	0.05
GDW15R	17/10/2024	< 0.062	0.05
GDW16	17/10/2024	< 0.062	0.05
GDW17	17/10/2024	< 0.062	0.05
GDW18	17/10/2024	0.18	0.05
Cis-1,2-Dichloroethene ug/l:			
ID	Date	Cis-1,2-Dichloroethene (ug/l)	
		Result	Limit
GDW04	17/10/2024	4.9	1

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A consolidated C3 score has been applied for the quarter.

Note: This CAR report and assessment was undertaken on 24/02/2025. However to ensure that the CCS score is attributed to the correct financial year (for billing) the date on CARS system has been altered to 31 December 2024

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.