

Compliance Assessment Report CAR_NRW0046438

Permit being assessed: MP3036SS.

For: Whitehall Landfill, **held by:** Cemex UK Materials Ltd

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

Type of assessment: Report/Data Review,

Reason: Routine.

On: 31/12/2024.

Parts of permit assessed: 4.2.1 Annual Reporting.

NRW Lead Officer: Brigid Armstead.

Report sent to: Neil Meredith, Site Manager, on 24/02/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W3E - Waste - Emissions and monitoring - Monitoring	C4 No impact	3.6.1
W1A - Waste - Management - General management	C3 Minor	1.1.1b
W3A(1) - Waste - Emissions and monitoring - Emissions to water	C3 Minor	3.2.3
W3A(1) - Waste - Emissions and monitoring - Emissions to water	C3 Minor	3.2.3
W3A(1) - Waste - Emissions and monitoring - Emissions to water	C3 Minor	3.2.3
W4B - Waste - Information - Reporting	C4 No impact	4.2.1g

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

Total non-compliances recorded	Total non-compliance score
6	16.2

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
W3E	please investigate the root cause of the failure to monitor BH3 and BH15 in Q4 2024.	31/03/2025
W1A	Improve operations	Already completed
W3A(1)	Please provide a full rational of groundwater exceedances from 2000 to date as well as a plan of action to ensure permit compliance.	07/04/2025
W3A(1)	Please provide a full rational of groundwater exceedances from 2000 to date as well as a plan of action to ensure permit compliance.	07/04/2025
W3A(1)	Please provide a full rational of groundwater exceedances from 2000 to date as well as a plan of action to ensure permit compliance.	07/04/2025
W4B	Please investigate the root cause for failure to meet the requirements of permit condition 4.2.1(g)	31/03/2025

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

Cemex - Q4 and Annual Report for 2024

The Site is currently permitted to accept inert waste; however it stopped accepting waste at the end of October 2018 as filling is complete.

Quarterly Reporting (4.2.2)

Q4 2024 monitoring reports were received by NRW on the 13th January 2025.

Groundwater

Permit MP3036SS requires monitoring and 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 Q4 GW monitoring results were received for BH1, BH3A, BH6, BH9, BH12, BH13 and BH14. No results were received for BH3 due to an instrument failure and BH15 as there was no discharge occurring.

Failure to monitor permit specified groundwater monitoring points is a breach of permit condition 3.6.1 This is a category 4 non compliance.

Action: please investigate the root cause of the failure to monitor BH3 and BH15 in Q4 2024. Due 31st March 2025

Trigger levels are set for Ammoniacal Nitrogen, Chloride, Iron, Potassium and Napthalene in the down gradient boreholes.

Groundwater monitoring data from samples taken on 30/10/24 contained non compliances with permit trigger levels for Napthalene and Ammoniacal-N in BH1 and Napthalene in BH12 and BH13. A schedule 6 notification was received for these non compliances and they were recorded in CAR_NRW0045930.

Perimeter gas monitoring

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

Q4 monitoring results were received for the perimeter gas boreholes and were below the limits set by Table 4.2 of the permit.

Annual Report

Cemex UK submitted an annual environmental monitoring report for Whitehall Landfill 2024 to NRW on the 31st January 2025 in compliance with permit condition 4.2.1.

In waste gas monitoring

Eleven in waste gas wells were installed in 2021 with data first recorded in July 2021. Methane varied from between 0 %v/v to 56 %v/v in 2024 with carbon dioxide varying from 0 %v/v to 6.6 % v/v.

Perimeter gas monitoring

Landfill gas has been monitored on an approximately monthly basis in seven perimeter gas boreholes. In Q2, NRW received Schedule 6 notifications for permit limit exceedances for CH4 in GM8 and GM10. Two non compliances were consolidated into a single category 3 non compliance (4 points) in CAR_NRW0045100.

A site visit on 30th July 2024 resulted in the Action 'Please provide a root cause analysis for the taps being left open by 7 October 2024'. A response to this action was received 6th September

2024 with the root cause being assessed as 'human error'.

A Category 3 non compliance was given for failure general management failure under condition 1.1.1(b)

Groundwater

A groundwater quality assessment is included in section 3.2.2 of the Cemex Annual Report (2024). Compliance limit exceedances were recorded in 2024, for naphthalene (BH1, BH12, and BH13) and Ammoniacal-N and Iron (BH1). These non compliances have not been recorded in 2022, 2023 or 2024 reports based on a determination made in CAR_NRW0041175 that there was likely external influence. An Action was given in CAR_NRW0045930 'Please ensure that a thorough assessment of the groundwater monitoring results is included in the 2024 AER as required under 4.2.1.'

The 2024 AER provides an assessment of the trends in Napthalene and Ammoniacal-N exceedances. This is a part completion of the above mentioned Action (ref CAR_NRW0045930)

Action: Please provide a full rational of groundwater exceedances from 2000 to date as well as a plan of action to ensure permit compliance. Due 7th April 2025.

There were 5 breaches of the Napthalene compliance limits in 2024. These breaches are considered a category 3 non compliance with permit condition 3.2.3.

There were 2 breaches of the Ammoniacal N compliance limit in 2024. These breaches are considered a category 3 non compliance with permit condition 3.2.3.

There was 1 breach of the Iron compliance limit in 2024. This breach is considered a category 3 non compliance with permit condition 3.2.3.

NRW received a Schedule 6 notification on 19/09/24 of an Iron limit exceedance in BH1 on 29/08/24 as assessed in CAR_NRW0045930. The Q3 2024 results did not contain any reference to this non compliance.

The following requirement is included on current reporting forms and should be implemented in reporting under this permit. An up to date reporting form will be sent to the email account that you have provided.

The result given in quarterly reports should be the maximum value (or the minimum value in the case of a limit that is expressed as a minimum) obtained during the reporting period, expressed in the same terms as the emission limit value. Where the emission limit value is expressed as a range, the result is given as the 'minimum – maximum' measured values.

Action: please ensure that further reports uphold the above mentioned principle. **Due 31 March 2025**

Topographical survey

An assessment of the settlement behaviour of the landfill as required under permit condition

4.2.1(g) was not received. A settlement behaviour assessment would be beneficial in evaluating the behaviour of the landfill mass to enable transition into aftercare.

A category 4 non compliance is issued for site not assessing the settlement behaviour of the landfill body as per permit condition 4.2.1(g).

Action: Please investigate the root cause for failure to meet the requirements of permit condition 4.2.1(g) **Due 31 March 2025**

Other items

Closure Plan. **Action** - please provide an update on previous comments as soon as practicable.

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 Waste compliance criteria (used in section 1 and 2):

1. Management

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

2. Operations

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

3. Emission and Monitoring

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

4. Information

- W4A – Records
- W4B – Reporting
- W4C – 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.