

Compliance Assessment Report CAR_NRW0048635

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: 24/06/2025.

Parts of permit assessed: 4.2.2 Reporting.

NRW Lead Officer: Brigid Armstead.

Report sent to: Site Manager, Whitehall Landfill, on 24/06/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W4B - Waste - Information - Reporting	C4 No impact (Suspended)	3.6.1
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

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

Total non-compliances recorded	Total non-compliance score
3	8

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
W4B	Please ensure monitoring of BH3 and BH15 is undertaken.	31/07/2025
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.	27/06/2025
W3A(1)	Please provide a full rational of groundwater exceedances	27/06/2025

Criteria	Action needed	Complete by
	from 2000 to date as well as a plan of action to ensure permit compliance.	

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

Quarterly Reporting (4.2.2)

Q1 2025 monitoring reports were received by NRW on the 8th April 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.

Upstream boreholes:

The 2025 Q1 GW monitoring results were received for BH1, BH3A, BH6, BH9. No results were received for BH3 due to damaged headworks prohibiting access and at BH15 as there was no discharge occurring.

NRW has previously been advised by Cemex that the BH3 monitoring headworks require repairs which are scheduled for April 2025 and BH15 has had insufficient liquid to take a sample.

Failure to monitor groundwater at BH3 is a breach of permit condition 3.6.1 This is a category 4 non compliance. This C4 non compliance for BH3 has been **suspended** as Cemex have given assurance that they are addressing the root cause of this non compliance.

Regarding BH15, NRW have received the following root cause assessment from Cemex:

"...the assigned site monitoring technician has recently changed, and the new technician had failed to familiarise himself with the procedure for obtaining a sample from BH15. This particular borehole requires running the borehole pump slowly and waiting for water to start purging which can take up to five minutes due to the depth of the well. It has been reiterated to the technicians that the MSM must be referred to for any updates and particularly when technicians are new to a site. I have attached a copy of the MSM for Whitehall for your information – the information about BH15 is shown on line 63. We are investigating ways in which unusual site monitoring requirements can

be highlighted even more clearly to technicians at the time of monitoring.”

Failure to monitor groundwater at BH15 is a breach of permit condition 3.6.1 This is a category 4 non compliance. This C4 non compliance for BH15 has been suspended as Cemex have given assurance that they are addressing the root cause of this non compliance.

Downstream Boreholes:

The 2025 Q1 GW monitoring results were received for downstream boreholes BH1, BH12, BH13 and BH14. Trigger levels are set for Ammoniacal Nitrogen, Chloride, Iron, Potassium and Napthalene in these down gradient boreholes.

Groundwater monitoring data from samples taken on 14th January 2025 contained non compliances with permit trigger levels for Napthalene and Ammoniacal-N in BH1 and for Napthalene in BH12.

The Napthalene levels in BH1 and BH12 for Q1 of 2025 are in breach of permit condition 3.2.3. These are ongoing noncompliances, assessed in 2022 as having a likely offsite causal effect. ***Two category 3 non compliance are issued and consolidated.***

The Ammoniacal N level in BH1 for Q1 of 2025 is in breach of permit condition 3.2.3. This is an ongoing noncompliance, assessed in 2022 as having a likely offsite causal effect. ***This is a category 3 non compliance.***

A schedule 6 notification was received on 24th March 2025 regarding the non-compliances at BH1 and BH12 which advised that monitoring at these two locations will be monitored monthly from April onwards.

The schedule 6 notification was accompanied by an explanation for this not being submitted sooner being due to a failure in the automatic exceedance notification procedure. Cemex has advised that measures have been put in place to prevent this from happening again.

Perimeter gas monitoring

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

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

Outstanding actions from CAR_NRW0046438 (31/12/2024)

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

Status: NRW are currently awaiting further information

Other items

Closure Plan.

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

Response received: Cemex will be submitting an update on the previous Closure Plan comments within the next few months.

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.