

## Compliance Assessment Report

Report ID:  
CAR\_NRW0035636

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

|                              |                                                   |             |            |     |     |
|------------------------------|---------------------------------------------------|-------------|------------|-----|-----|
| Site                         | Pwllfawatkin Landfill Site<br>EPR/BU8819IV        | Permit Ref  | BU8819IV   |     |     |
| Operator/Permit holder       | FCC Waste Services (UK) Limited                   |             |            |     |     |
| Regime                       | Installations                                     |             |            |     |     |
| Date of assessment           | 31/07/2019                                        | Time in     | N/A        | Out | N/A |
| Assessment type              | Audit                                             |             |            |     |     |
| Parts of the permit assessed | 2.9.1 4.3.1 Leachate levels notifications Q2 2019 |             |            |     |     |
| Lead officer's name          | Thomas, Ffion                                     |             |            |     |     |
| Accompanied by               |                                                   |             |            |     |     |
| Recipient's name/position    | Richard Thomas/ Site Manager                      | Date issued | 30/08/2019 |     |     |

### 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                 | C3 -<br>Suspended | condition 2.9.1 table<br>S4.1 |

**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 | 1 | Total compliance score<br>(see section 5 for scoring scheme) | 0 |
|-----------------------------|---|--------------------------------------------------------------|---|

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 assessment of Q2 2019 leachate monitoring and associated schedule 6 notifications received for the period for emission level breaches. The assessment has consolidated notifications as per the compliance scoring guidance.

Leachate monitoring notifications received and additional information:

CAR ref NRW0035087 provides full details on the background to the increased leachate levels experienced at the site during the early months of 2019. An action plan was implemented to work towards compliance and return the leachate levels to bellow permitted limits.

Schedule 6 notifications were submitted via email on the 30<sup>th</sup> April 2019 and 1<sup>st</sup> June 2019 2019 covering exceedances of leachate levels monitored during April, June 2019.

Below information from the notifications have been copied from the submissions.

| (b) Notification requirements for the breach of a limit                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |  |              |                       |                |        |        |        |        |        |        |        |        |        |
|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--|--------------|-----------------------|----------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| To be notified within 24 hours of detection unless otherwise specified below |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |  |              |                       |                |        |        |        |        |        |        |        |        |        |
| Emission point reference/<br>source                                          | LMW3SB, 4NA, 4NB                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                |  |              |                       |                |        |        |        |        |        |        |        |        |        |
| Parameter(s)                                                                 | Leachate Levels                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |  |              |                       |                |        |        |        |        |        |        |        |        |        |
| Limit                                                                        | Various                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                |  |              |                       |                |        |        |        |        |        |        |        |        |        |
| Measured value and<br>uncertainty                                            | <p>Routine monitoring returned leachate levels in excess of the permitted limits.</p> <table><tr><th>Sample Point</th><th>Leachate Level (mAOD)</th><th>Trigger (mAOD)</th></tr><tr><td>LMW3SB</td><td>165.01</td><td>160.40</td></tr><tr><td>LMW4NA</td><td>160.55</td><td>160.20</td></tr><tr><td>LMW4NB</td><td>162.58</td><td>159.78</td></tr></table> <p>Due to elevated sulphide we had issues finding a disposal facility towards the end of last year. The elevated sulphide has now been rectified and we are continuing to deal with the resulting elevated liquid levels. It is hoped these will be back into compliance shortly with increased tankering.</p> |                |  | Sample Point | Leachate Level (mAOD) | Trigger (mAOD) | LMW3SB | 165.01 | 160.40 | LMW4NA | 160.55 | 160.20 | LMW4NB | 162.58 | 159.78 |
| Sample Point                                                                 | Leachate Level (mAOD)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Trigger (mAOD) |  |              |                       |                |        |        |        |        |        |        |        |        |        |
| LMW3SB                                                                       | 165.01                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 160.40         |  |              |                       |                |        |        |        |        |        |        |        |        |        |
| LMW4NA                                                                       | 160.55                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 160.20         |  |              |                       |                |        |        |        |        |        |        |        |        |        |
| LMW4NB                                                                       | 162.58                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 159.78         |  |              |                       |                |        |        |        |        |        |        |        |        |        |
| Date and time of monitoring                                                  | 30 April 2019,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                |  |              |                       |                |        |        |        |        |        |        |        |        |        |
| Measures taken, or intended to<br>be taken, to stop the emission             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |  |              |                       |                |        |        |        |        |        |        |        |        |        |

| <b>(b) Notification requirements for the breach of a limit</b>                      |                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>To be notified within 24 hours of detection unless otherwise specified below</b> |                                                                                                                                                                                                                                                                                                                                                     |
| Emission point reference/<br>source                                                 | LMW4NB                                                                                                                                                                                                                                                                                                                                              |
| Parameter(s)                                                                        | Leachate Levels                                                                                                                                                                                                                                                                                                                                     |
| Limit                                                                               | 159.78mAOD                                                                                                                                                                                                                                                                                                                                          |
| Measured value and<br>uncertainty                                                   | <p>Routine monitoring returned 1 leachate well in excess of the permitted levels. Compliance is slowly returning to 100% with one well non-compliant following difficulties in tankering over the new year due to elevated sulphide. Continued tankering and favourable weather conditions should mean 100% compliance by the end of July 2019.</p> |
| Date and time of monitoring                                                         | 28 June 2019,                                                                                                                                                                                                                                                                                                                                       |
| Measures taken, or intended to<br>be taken, to stop the emission                    |                                                                                                                                                                                                                                                                                                                                                     |

Action plan:

As previously detailed in CAR 0035087 an "Elevated leachate level action plan" has been in place and site operations have prioritised returning higher risk wells into compliance first. There is a positive trend returning wells into compliance.

Permit breach:

The failure to maintain leachate levels in accordance with the limits set in the permit are a breach of

condition 2.9.1 table S4.1 of the permit BU8819IV.

Compliance classification score (CCS) 3 will be allocated against the A1 compliance heading. In accordance with the CCS scoring guidance the reported permit breaches applicable to these 3 wells have been consolidated into one CCS score, covering the Q2 (April – June 2019) monitoring period i.e. one CCS score of Cat 3 will be allocated to the breach that occurred at the leachate wells at Pwllfawatkin landfill over the Q1 reporting period.

Score suspended:

In accordance with the CCS scoring guidance this score has been suspended as the action plan is in place and progress to compliance has and is being made. Should levels continue to breach limits further than 6 months a review of future scores will be made.

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0035636**

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

|                        |                                            |            |            |
|------------------------|--------------------------------------------|------------|------------|
| Site                   | Pwllfawatkin Landfill Site<br>EPR/BU8819IV | Permit Ref | BU8819IV   |
| Operator/Permit holder | FCC Waste Services (UK) Limited            | Date       | 31/07/2019 |

### 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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

### 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 |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |
| A1                  | C3           | <p>Compliance classification score (CCS) 3 will be allocated against the A1 compliance heading. In accordance with the CCS scoring guidance the reported permit breaches applicable to these 3 wells have been consolidated into one CCS score, covering the Q2 (April – June 2019) monitoring period i.e. one CCS score of Cat 3 will be allocated to the breach that occurred at the leachate wells at Pwllfawatkin landfill over the Q1 reporting period.</p> <p>Score suspended:</p> <p>In accordance with the CCS scoring guidance this score has been suspended as the action plan is in place and progress to compliance has and is being made. Should levels continue to breach limits further than 6 months a review of future scores will be made.</p> | 30/09/2019 |

## 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](mailto: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.