

Compliance Assessment Report

Report ID:
CAR_NRW0035947

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

Site	Hafod Quarry Landfill Site	Permit Ref	PP3139GB		
Operator/Permit holder	Enovert North Limited				
Regime	Installations				
Date of assessment	13/11/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Gas Management Plan				
Lead officer's name	Rees-Jones, Jenny				
Accompanied by					
Recipient's name/position	Ian Craven/ Area Manager	Date issued	19/12/2019		

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
C2 - General Management - Management system and operating procedures	X	

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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Landfill Gas Management Plan Final v2.0 submitted by Enovert on 04/10/2019. This was submitted as per IC1 of the consolidated permit issued 27/11/2018.

NRW have reviewed the document against the comments in Report CAR_NRW0035372.

The permit specifies the monitoring standard method to be that specified in LFTGN03 or such other guidance as may be agreed in writing with NRW. Appendix N, SHE-OP-11, Surface Emission Monitoring, explains that Enovert do not plan to use the flux box method (recommended in LFTGN03), and prefer to carry out a features walkover survey, using either a Flame Ionisation Detector (FID), or Laser Spectroscopy (LSA) to measure surface emissions. NRW agree that, subject to regular review, surface emission monitoring to be carried out via walkover survey with appropriate equipment, as per the Landfill Gas Industry Code of Practice and Landfill Technical Guidance Note 07.

Section 4.2 of Appendix N suggests emission limits of methane for the identification of anomalous areas of 100ppm immediately above the capped surface, and 10,000ppm close to any discrete feature. Could Enovert please clarify that the latter value is intended. Section 2.7 of ICOP says that emissions below 1,000ppm close to any discrete feature will not require subsequent flux box measurements to quantify emissions. Section 4.1 of LFTGN07 also gives a trigger level of 1,000ppmv close to discrete features.

IC1 states that the Gas Management Plan will include proposed action limits for Methane and Carbon Dioxide concentrations in peripheral gas monitoring boreholes. Proposed compliance and action limits are included in the GMP. Limits cannot be pre-approved with the local NRW officer prior to a permit application, as levels are set during the internal consultation and determination process. NRW do not consider that methane limits can be increased for the gas wells to the south of the perimeter. This issue was previously explored with Environment Agency Wales and decided to be unacceptable. Should Enovert wish to pursue increasing any limits on external monitoring land fill gas boreholes then they will need provide a risk assessment and rationale for increasing trigger levels.

The document refers to the EA Revised Draft LFG Compliance Limits, circulated in May 2019. This is a draft EA document, and there is no guidance as to when this will cease to be draft. It has not been adopted by NRW as policy or guidance.

Section 3.7 of Appendix I, SHE-OP-02 states that where safe access is not available, then the well should be ignored and the Site Manager and EDM made aware, and the omission recorded. Please note that where monitoring is a requirement, access needs to be re-instated or alternative suitable means of monitoring made available at the earliest opportunity.

The Type 2 design of gas well used at Hafod Landfill Site is not as per industry standard. Whilst Enovert have explained the perceived benefits of these wells, NRW still have concerns about their ability to control point source emissions in the short to medium term.

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EPR Compliance Assessment Report

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Operator/Permit holder	Enovert North Limited	Date	13/11/2019

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			
C2	X	Review comments below and respond to NRW.	28/02/2020

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. 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.