

Compliance Assessment Report

Report ID:
CAR_NRW0036432

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

Site	Trecatti Landfill	Permit Ref	RP3733PC		
Operator/Permit holder	Biffa Waste Services Ltd				
Regime	Installations				
Date of assessment	06/03/2020	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Annual Returns, Q1,2,3,4 report summary				
Lead officer's name	Taylor, Richard				
Accompanied by					
Recipient's name/position	Simon Milford/ Site Manager	Date issued	18/03/2020		

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
E1 - Emissions - Air	C3	S3.6
E2 - Emissions - Land and groundwater	C4	S3.5
	C3	S3.3
E3 - Emissions - Surface water	C4	S3.3
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.3.1(b)(i)
	C4	4.3.1(b)(i)
	C4	4.3.1(b)(i)

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	7	Total compliance score (see section 5 for scoring scheme)	8.5
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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

Biffa Trecatti (RP3733PC)

Annual Reports Summary for 2019 reporting period

1.0 Surface Water

1.1. PH. Site submitted a schedule 5 notification on 17th May 2019 for a single breach in surface water pH values with a record of 8.1 against a permitted maximum of 8.0 at SWA (NW downstream discharge). This is a minor exceedance of the permit limit which did not cause any environmental harm. As such this is scored as a Cat 4 breach of permit conditions. The pH parameters subsequently returned to within permitted parameters for the rest of the year. A single breach of permit condition S3.3 of permit variation V11 has been recorded for the breach.

- Q2 SWA pH 1x breach of permit pH parameters – 1 x breach score – Cat 4 – 0.1 point.

1.2. Insufficient flow was recorded for SWA in May and July. Insufficient flow also took place in Feb, Apr, May, Jul, and Aug for SWB. The same occurred in Apr, May, Jul, and Aug for SWC as well as the Monocell not recording values for Feb, Mar, Apr, May, Jul, Nov, and Dec. These were reported to us via quarterly reporting submissions. This is accepted, but as an improvement item, site must prioritise informing NRW if samples cannot be obtained via a schedule 5 notification triggered by permit condition 3.3.1. as soon as practicably possible in accordance with the permit notification procedure.

V- notch systems were installed to control flow and reduce suspended solids content in the period which is a welcome improvement.

2.0 Groundwater

2.1. An Ammoniacal Nitrogen limit breach was recorded on 21st Aug 2019. The trend for the 81701120 GW2 borehole showed quarterly results of 16.3 mg/l, 17.0 mg/l, 18.9 mg/l and 17.4 mg/l over the 2019 period. Overall this was a rising trendline. The Q4 figure of 17.4 was within the 8.04% uncertainty variable, but not the 18.9 mg/l figure for Q2. **This was not reported as a permit breach to us at the time, nor reported to us in the Q2 report.** We therefore roll forward a Cat 3 breach of the permit condition, plus a Cat 4 breach for non-reporting to be evaluated below at 4.0 'Local Rules apply' section.

- Q3 GW2 Ammoniacal Nitrogen exceedance 1 x Cat 3 exceedance.
- Q3 GW2 Ammoniacal Nitrogen – 1 x Cat 4 non reporting permit limit breach.

2.2. Cadmium was reported as a breach of permit limits with 0.13ug/l against a limit of 0.1ug/l on 20/03/19 for BH12. This is a marginal exceedance, with levels returning to permit limits for the remainder of the year. Cadmium also exceeded at 81701120 in Q4 with a reading of <0.70 which

was not reported as a breach. Cadmium to groundwater breaches are listed below and carried to item 4.0 for further evaluation.

- Q1 GW13 Cadmium limit exceedance – 1 x Cat 4.
- Q4 GW12 Cadmium limit exceedance 1 x Cat 3
- Q4 Non notification of limit breach to NRW- 1 x Cat 4.

2.3. Mecoprop exceeded limits on 20th March, and 4th Sept at GW13. The limits for borehole 81701213 are <0.07ug/l. Site returns were <0.08ug/l and <0.16ug/l respectively for Q1 and Q3. These were scored as permit breaches on versions 1 and 2 of this CAR form. However, an intervention from Hannah Clifford, Biffa Regional Environmental Control Manager by email on 17th March 2020 explained that the testing laboratory used provided the reason why the results had exceeded the permit limits. For Mecoprop during Q1 and Q3 raised levels of acidic herbicides were present. This raised the matrix of the samples. In light of this information, the scores for Q1 and Q3 Mecoprop have been deleted. The conditions for non-reporting to NRW still apply, but have been rounded into a single Cat 4 breach. **Action**; The onus is on the site to provide Quarterly results to NRW in a timely manner, but include any explanation from the lab as to any permit limit exceedance which has mitigating circumstances. In this way, they can be fully evaluated.

The limits for this borehole are contained in permit variation V11. The limit for Mecoprop is listed as a trigger level in the permit derived from LFTGN02 H1 technical annex for landfills and the derivation of groundwater control levels and compliance V2.0 April 2010.

The following breaches are carried to 4.0 for evaluation below.

- Mecoprop - x2 breaches for non-reporting of emission limit exceedances for Q1 and Q3.

The Mecoprop limits below were previously listed as permit breaches. These are now deleted from the scoring totals of this CAR form because it was explained that the samples contained high levels of acidic compounds which rendered a higher than permit limit matrix to be applied. In these circumstances NRW cannot apply a breach of permit limit.

- Q1 GW13 Mecoprop – 1 x Cat 4 breach – marginal exceedance at <0.08ug/l.
- Q3 GW13 Mecoprop – 1 x Cat 4 breach – 0.16ug/l against limit of 0.07ug/l.

3.0 Perimeter Gas boreholes

The permit limits were breached for the following throughout the 2019 reporting period.

External Boreholes

- 8171004 – CH4 limit exceedances in Jan, Feb, Jun, Jul, Nov, Dec.
 - CO2 exceedances in Jan, Feb, Nov, Dec.
- 8171020 – CH4 limit exceedance Jan, Feb, Mar, Oct, Nov, Dec.
- 8171021 – CH4 – May
 - CO2 – Jan, Apr, May, Jun.
- 8171022 – CH4 Jan, Feb, May.
 - CO2 – Jan.
- 8171024 –
- CO2 – Jan, Dec

Applying the results scoring criteria at 4.0 below, we round all breaches to x1 consolidated Cat 3 breach.

4.0 Local Rules Apply

Normal CCS scoring for perimeter gas boreholes and groundwater breaches was changed for this site by CAR form REF RP3733PC/0248564 dated 18th Sept 2015 as part of the management approach at that time. No changes will be made to this situation until a future review is necessary. Therefore, the scoring system introduced at that time will be applied to the above permit breach

scores. The rules are replicated here for clarity. and remain in place until a reassessment is necessary.

- Where an annual report is submitted to NRW before the end of January each year for groundwater and perimeter gas borehole monitoring results.
- The report contains graphs and trendlines on the annual performance.
- The report stands alone from the rest of the permitted monitoring and is assessed independently from the permit.
- NRW assesses any improvements. If none made for either groundwater or gas boreholes, then penalty scores will be assessed and issued.
- The previous year's breaches are consolidated into one breach score for each release point and release species.
- Site continues to adhere to reporting breaches via a schedule 5.

As point 5 applies to all breaches and species to groundwater, in this case we will consolidate all scores for emission limits to a single Cat 3 breach. but uphold the Cat 4 breaches for non-reporting/notification to us as in point 6 above. For example, groundwater AmmNi and Cadmium showed rising trends in 2019 and are scored as a single Cat 3 breach to groundwater.

Mecoprop did not show a rising trend but needs to be carefully managed to ensure lab results are not compromised with acidic herbicides, and that mitigating circumstances for the results are reported to NRW via the schedule 5 reporting procedure.

4.1 Applicable Scores for 2019.

- **SURFACE WATER - Q2 SWA pH 1x breach of permit pH parameters – 1 x breach score – Cat 4 – 0.1 point.**
- GROUNDWATER 1 x consolidated Cat 3 breach for rising trends in AmmNi and Cadmium under condition 2.4 rules during the 2019 reporting period. 1 x Cat 3 - 4 points
- GROUNDWATER Q3 AmmNi, Q4 Cadmium, plus Q1 and Q3 Mecoprop permit limit breaches not reported to NRW. Result 4 x Cat 4 breaches – 0.4 points.
- LANDFILL GAS - 1 x Cat 3 breach of perimeter borehole permit limits. 4 points.

5.0 Leachate

No permit limits apply to the site for individual species. Leachate levels are managed. All wells apart from 5 & 6 have a level limit of 33m with 5m applying to 5 & 6. During 2019 all level results were within permit conditions.

6.0 Treated Effluent

In 2019 the site treated and released 81,785m³ to sewer. No permit limits apply through permit variation V10. Site had a high reading of 11.64 mg/l for total metals in Jul 19. Of this, 10.6mg/l was copper. The water discharge consent limit is 2.0 mg/l. Limits returned to normal levels for the rem No permit breach is given for this as this would represent double regulation against the water authority discharge consent for the site.

7.0 Landfill Gas

The gas flared was 259,178m³ which is approximately 1.53% of the 17,256,948m³ m³ landfill gas used in the engines during 2019. The permit requires periodic monitoring of the flare if this exceeds 10% of the time in accordance with the permit at table S3.2, so no flare stack monitoring was required.

8.0 Dust and Asbestos monitoring

Site had x2 exceedances in deposited particulate limits in December 2019. The permit limit was brought in by permit variation V11 in June 2019 under S3.12 at 200mg/m² day. Site reported levels of 400mg/m² day at D2 and 610 mg/m² day at D4 from monitoring results taken on 5th Dec 2019. However, wind conditions on the day were coming from the SW direction which means that the 610 /m² day figure was taken at the windward part of the site and the 400mg/m² day figure was taken at the outer part of the site. This means that the higher reading originated from outside the site. NRW will not score these as permit breaches in these circumstances.

- **UNSCORED – 1 x consolidated Cat 3 breach of permit limits for dust levels.**

8.1 Asbestos - The limits for asbestos were taken in Apr and Sept 2019 and were within the permit limits of at 0.001 fibres per ml. Note that the limit of monitoring is <0.01 which NRW use as the current BAT standard. were all compliant throughout 2019.

9.0 Biogene results

Biogene started operations inside the permit boundary of the Trecatti landfill in Sept 2018. Emissions to surface water are treated within the large site systems, but analysis of water quality remains a permit requirement.

- SW1 Results for Suspended solids exceeded permit limits in Jan and Feb 2019.
- SW1 Results for Ammoniacal Nitrogen exceeded permit limits in Jan and Feb 2019.
- SW2 pH limits were exceeded in Jan and May 2019.
- SW2 Ammoniacal Nitrogen limits were exceeded in Jan 2019.
- SW3 pH limits were exceeded in Apr and Jun 2019.

No discharge from site took place from Jul 2019 onwards.

As the Biogene site sits within the larger permit boundary of the Trecatti landfill site and uses the effluent treatment plant and infrastructure, no release off site took place. The permit requires the quality to be monitored and reported. NRW recognise that no environmental harm took place and takes a pragmatic approach to permit breach scores where no damage has taken place no scores apply.

10.0 Complaints

Site reported 2 complaints for the calendar year. NRW disagrees with this figure as we received a further 5 complaints against the site as highlighted in CAR form dated 2nd Dec 2019. Although all of these were recorded as unsubstantiated by us, they still need to be recorded as complaints against the site for completeness of reporting. Therefore 7 complaints should be recorded instead of 2 which accurately reflects the situation. Site is required to alter the figure given.

11.0 Inclinator results

These were included in the Q4 submission. 3 graphs showed the movement of the inclinometers over time. The separation bund showed 2.6cm movement one way for 6 months in 2017 then opposite movement up to 5cm before returning towards the original position . The present situation indicates the bund to be approximately 2.4cm away from true, but trends are indicating true alignment at approximately the date of this CAR form.

12.0 2019 Combined scores

The annual total of 8.5 points places the site in a category B band for annual performance which attracts no percentage increase in subsistence fees.

End.

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EPR Compliance Assessment Report

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CAR_NRW0036432**

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

Site	Trecatti Landfill	Permit Ref	RP3733PC
Operator/Permit holder	Biffa Waste Services Ltd	Date	06/03/2020

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			
G4	C4	Ensure results are reviewed and exceedance reported to NRW	31/03/2020
G4	C4	Report permit limit breaches to NRW in accordance with permit conditions.	31/03/2020
E2	C4	Continue monitoring	31/03/2020
G4	C4	Report all permit limit exceedances to NRW in accordance with permit conditions.	31/03/2020
E3	C4	Continue monitoring and reporting	31/03/2020
E1	C3	Carry on monitoring and reporting to monitor levels	31/03/2020
E2	C3	Continue Monitoring regime in place.	31/03/2020

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.