

Compliance Assessment Report

Report ID:
CAR_NRW0034859

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

Site	Coli Isaf Farm Landfill	Permit Ref	NP3399FK		
Operator/Permit holder	Richard Kinsey				
Regime	Waste Operations				
Date of assessment	30/07/2019	Time in	N/A	Out	N/A
Assessment type	Site Inspection				
Parts of the permit assessed	Monitoring and Sampling				
Lead officer's name	Peppicelli, Claudia				
Accompanied by	Moggridge, Lara				
Recipient's name/position	Mr Kinsey / Owner/Permit Holder	Date issued	30/07/2019		

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
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	E30 and E33

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 (see section 5 for scoring scheme)	4
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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

As part of the Closed Landfill project, a desk-based audit of compliance in relation to sampling and monitoring has been undertaken of permit EPR/NP3399FK (EAWML 30050), alongside neighbouring permit EPR/GP3195FZ (EAWML 30253). Both permits are held by Mr. R Kinsey.

G1 Monitoring of Emissions and Environment: Cat 3 breach, conditions E30 and E33

Permit conditions E30 and E33 require monitoring to be undertaken on a quarterly basis. E30 specifies quarterly monitoring for landfill gas, and E33 specifies quarterly monitoring for surface water and groundwater. No submissions of monitoring data have been received for a number of years.

In order to surrender this permit, at least 12 months of monitoring will be required. The results of the monitoring will need to be submitted to NRW and will need to form part of the Closure Report to demonstrate no significant or adverse environmental impacts from the site's activities.

Records from 2004 show that you were advised by officer Frances Machin in August and October of that year of the steps required in order to move towards surrender of the environmental permit. Due to evidence of non-permitted waste types being accepted during the operational lifetime of the site, appropriate evidence will need to be provided to demonstrate that no adverse environmental impact has occurred. Until this evidence is provided alongside relevant monitoring data you will be unable to surrender the permit.

Advice given by Frances Machin, letter dated 11 August 2004

"Environmental monitoring also needs to be done at this site to support a surrender application. The existing boreholes installed are unlikely to be able to provide us with any further meaningful data than what has already been monitored due to the depth of the boreholes, no CQA details and the issue with the underlying Biffa Waste. The Agency advises you complete a waste characterisation survey (e.g. by trial pitting) and a surface landfill gas survey. You would also be required to complete a stability survey of the landfill. A methodology would have to be submitted to the Agency prior to any work commencing. A review of the data could then be completed to determine any further work required (e.g. landfill gas modelling)."

Advice given by Frances Machin, in letter dated 21st October 2004 (relating to meeting on 12th October 2004)

"It was agreed that drilling boreholes was a viable option, with the primary purpose being to characterise the waste and determine if the site does just contain inert waste. The Agency does however consider that it may be useful to install gas wells in some of the boreholes in the event

gas does need to be monitored after the waste has been characterised. Waste Management Paper 26A advises that 4 boreholes should be drilled. The Agency, however, requests that you provide information on size and depths of the landfill and a proposal from yourselves before the number of boreholes is agreed. The Agency would also like to be in attendance when the drilling is being completed (including the borehole in the South Landfill), therefore, notification will be required of the date of the works. As detailed in the Agency letter dated 11th August 2004, it was agreed in the meeting that surface water monitoring would be completed downhill of the site to assess any impact from the two landfills. This is to provide information in relation to surrender of the landfills.”

There are no records to demonstrate the above work was ever undertaken. Evidence to demonstrate the above has been undertaken would need to be included within a Closure Report and any permit surrender application.

Action

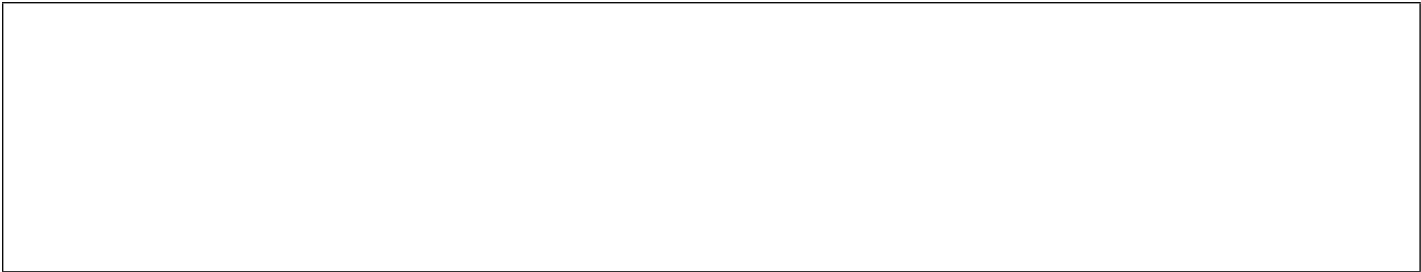
Without quarterly monitoring data, you will be unable to surrender the permit. In order to surrender the permit you should provide quarterly data for a period of one year, of the landfill gas, surface water and groundwater as required by permit conditions and submit a Closure Report to evidence that no adverse environmental impact has taken place as a result of the permitted activities. Your Closure Report will need to detail the compliance with the requirements agreed with the Environment Agency in your 12th October 2004 meeting, failure to demonstrate this will likely result in any surrender application being refused.

Note: *the deadline on this CAR is the 31st October 2019. We expect that monitoring will be reinstated by this time and the first quarter of monitoring by underway for submission by end of 2019.*

Guidelines on how to surrender a permit can be found at the following link:

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/apply-to-surrender-a-waste-permit/?lang=en>

**In this document ‘Natural Resources Wales’ means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body*



EPR Compliance Assessment Report

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Operator/Permit holder	Richard Kinsey	Date	30/07/2019

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
G1	C3	Reinstate monitoring and submit quarterly results as required by permit conditions	31/10/2019

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. 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.