

## Compliance Assessment Report

**Report ID:**  
**CAR\_NRW0034860**

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

|                              |                                                     |             |            |     |     |
|------------------------------|-----------------------------------------------------|-------------|------------|-----|-----|
| Site                         | Coli Isaf Landfill                                  | Permit Ref  | GP3195FZ   |     |     |
| Operator/Permit holder       | Richard Lindon Kinsey                               |             |            |     |     |
| Regime                       | Waste Operations                                    |             |            |     |     |
| Date of assessment           | 25/04/2019                                          | Time in     | N/A        | Out | N/A |
| Assessment type              | Site Inspection                                     |             |            |     |     |
| Parts of the permit assessed | Part 5 of the permit and part 6 of the working plan |             |            |     |     |
| Lead officer's name          | Peppicelli, Claudia                                 |             |            |     |     |
| Accompanied by               | Moggridge, Lara                                     |             |            |     |     |
| Recipient's name/position    | Mr Kinsey / Owner                                   | 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           | 5.1.1, 5.1.2, 5.2.1, 5.2.2 |
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | C3           | 5.1.9, 5.2.7, 5.2.9        |

**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.

|                                    |          |                                                                     |          |
|------------------------------------|----------|---------------------------------------------------------------------|----------|
| <b>Number of breaches recorded</b> | <b>2</b> | <b>Total compliance score</b><br>(see section 5 for scoring scheme) | <b>8</b> |
|------------------------------------|----------|---------------------------------------------------------------------|----------|

**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 CAR form is a review and reissue of the CAR, same reference, issued on the 25th April 2019. The CAR was reviewed by Senior Officer Lara Moggridge and reissued on the 30th July 2019. The actions for the breaches given have been amended and some of the wording within the original CAR amended to clarify breaches given.*

A desk-based audit was undertaken by officer Claudia Peppicelli on Coli Isaf Landfill, GP3195FZ, EAWML 30253 on the 25/04/19.

In the context of the Closed Landfill project, this audit reviewed compliance with the permit and the working plan regarding the management of the closure phase of the site and the monitoring/sampling plan.

From the last exchange of communication you had with the regulator in 2004, you expressed your intention of surrendering the permit. As agreed at the time between you, the Environment Agency and the consultant in 2003 **in order to surrender the permit you should provide quarterly data for a period of one year** to show that the closed landfill is not affected by any significant changes. According to our records, during a meeting held on the 12<sup>th</sup> October 2004, between yourself, your consultant and the Environment Agency:

*“it was agreed at the meeting that due to the history of non-compliance of waste types in the northern part of Colli Isaf (South) Landfill that an extra gas monitoring well would be installed in this location. The location was agreed during the meeting, just north of the telegraph pole. A close examination would be required of the waste removed during the drilling to help characterise the waste infilled in this part of the landfill. The gas well would need to be monitored a minimum of quarterly for initially one year as per the other two gas wells installed in the landfill. In relation to atmospheric pressure, the Agency does need information on whether the pressure is rising or falling as detailed in the working plan. For surrender requirements, the Agency also needs gas monitoring completed on 2 occasions over the year when the atmospheric pressure is falling at the three boreholes (see WMP 26A). Evidence needs to be provided to show this trend. As per the licence and working plan, details on Construction Quality Assurance of the works will need to be provided to the Environment Agency.” (extract from letter sent by Frances Machin dated 21<sup>st</sup> October 2004).*

You will be unable to surrender your permit until evidence of the above is provided.

### **g1 - Monitoring of emissions & the environment: Cat 3 breach - conditions 5.1.1, 5.1.2 and 5.2.1, 5.2.2**

Conditions 5.1.1, 5.1.2 and 5.2.1, 5.2.2 of your permit require that engineered systems will be provided and maintained in order to monitor landfill gases both internally and externally to the waste, in accordance with 6.2 and 6.4 of the working plan. Monitoring has not been undertaken at the site for a number of years.

#### Action

Reinstate monitoring in accordance with permit and working plan requirements.

#### **g4 - Reporting & notifications: Cat 3 breach - conditions 5.1.9, 5.2.7 and 5.2.9**

Conditions 5.1.9, 5.2.7 and 5.2.9 of your permit require that the sampling results from internal and external landfill gas monitoring will be submitted to NRW in line with standards specified within sections 6.3 and 6.4 of your working plan, which states that monitoring will be undertaken and submitted quarterly.

#### 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 as required by permit conditions. You will need to submit a Closure Report to evidence that no adverse environmental impact has occurred as a result of the operational activities, and this report will need to include surface water monitoring to show no impact of the local water environment. Your Closure Report will need to detail the compliance with the requirements agreed with the Environment Agency in your 12<sup>th</sup> October 2004 meeting, failure to demonstrate this will likely result in any surrender application being refused.

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

**Report ID:  
CAR\_NRW0034860**

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

|                        |                       |            |            |
|------------------------|-----------------------|------------|------------|
| Site                   | Colli Isaf Landfill   | Permit Ref | GP3195FZ   |
| Operator/Permit holder | Richard Lindon Kinsey | Date       | 25/04/2019 |

### 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 |              |                                                                                                                                                                   |            |
| G4                  | C3           | Submit quarterly sampling results from monitoring of internal and external landfill gas as required by permit conditions and sections 6.3 and 6.4 of working plan | 31/10/2019 |
| G1                  | C3           | Reinstate monitoring as required by permit conditions and working plan sections 6.2 and 6.4                                                                       | 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](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.