

Compliance Assessment Report

Report ID: CAR_NRW0036307

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

Site	Morfa Hazardous Landfill	Permit Ref	BW2692IM
Operator/Permit holder	Tata Steel UK Limited		
Regime	Installations		
Date	7 th February 2020 (followed by revisions on receipt of 2019 annual report)		
Assessment type	Report/ Data Review		
Parts of the permit assessed	2019 Q1 to Q4 quarterly monitoring reports, comment on 2019 annual report (and 2017 HRA review)		
Lead officer's name	Neil Herbert	Accompanied by	N/A
Recipient's name/position	Yeliz Marshall - Lead Environmental Engineer TATA Safety, Health and Environment	Date issued	26 th March 2020

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	N	
B2 - Infrastructure - Closure and decommissioning	N	
B3 - Infrastructure - Site drainage engineering (clean and foul)	N	
B4 - Infrastructure - Containment of stored materials	N	
B4 - Infrastructure – Plant and equipment	N	
C1 - General Management - Staff competency/training	N	
C2 - General Management - Management system and operating procedures	N	
C3 - General Management - Materials acceptance	N	
C4 - General Management - Storage, handling labelling, labelling and Segregation	N	
D1 - Incident Management - Site security	N	
D2 - Incident Management - accidents, emergency and incident planning	N	
E1 - Emissions - Air	N	
E2 - Emissions - Land and groundwater	3 (x3)	3.2.3 x 3
E3 - Emissions - Surface water	N	
E4 - Emissions - Sewer	N	
E5 - Emissions - Waste	N	
F1 - Amenity - Odour	N	
F2 - Amenity - Noise	N	
F3 - Amenity - Dust/ fibres/ particulates/ litter	N	
F4 - Amenity - Pests/birds/scavengers	N	
F5 - Amenity - Deposits on road	N	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	3	3.6.1(b)
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	N	
G3 - Monitoring and Records, Maintenance and Reporting - Maintenance records	N	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	N	
H1 - Resource Efficiency - Efficient use of raw materials	N	
H2 - Resource Efficiency - Energy efficiency	N	

KEY: See Section 4 for breach categories, suspended scores will be indicated as such.
A = Assessed or assessed in part (no evidence of non-compliance), **N** = Not Assessed

Number of breaches recorded	4	Total compliance score (see section 5 for scoring scheme)	16
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If the number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Introduction

NRW have undertaken a partial¹ review of quarterly monitoring reports submitted over the 2019 period. It should be noted that in undertaking this assessment it has become apparent that there is some confusion over the monitoring requirements relating to this permit (including the monitoring for the adjacent Morfa landfills (Closed and Non-Hazardous)). This has been communicated already to the operator and a meeting has been scheduled for the end of March. The main issue appears to be discrepancies in the monitoring requirements and more importantly emission limits specified in the landfill permits versus the current monitoring programme adopted by the operator. It appears that this situation has arisen for a number of reasons, including the adoption of some monitoring changes without the requisite permit variation (to reflect the changes) being undertaken. In other cases, it is unclear why changes have been adopted where there is no acceptance or approval. It has therefore been particularly difficult to undertake a compliance assessment of the 2019 monitoring submissions. Our review was initially limited to groundwater results for those locations with a specified emission limit (as identified in table SS4.2 of the permit)). It is believed that the Environment Agency did agree to changes to the groundwater emission limits, monitoring locations and parameters in response to the 2012 Hydrogeological Risk Assessment review. However, this was never formalised. Therefore, in order to consider the 2019 GW results we have reviewed them against the limits proposed in the 2012 HRA review (table 8-8).

We have also undertaken a review of leachate level compliance as part of this work. Any compliance scores relating to this assessment will not be suspended as this compliance measure is unaffected by the matters discussed above.

Please find attached comments and observations on aspects of the following submitted reports:

Quarterly Monitoring Reports - Q1 (Jan – March 2019); Q2 (Apr-Jun 2019); Q3 (Jul – Sep 2019) & Q4 (Oct – Dec 2019)

Q1 – Groundwater.

Assessment of emission points with set emission limits.

- BH3S - All required parameters were sampled and were below their respective emission limits
- BH25S - All required parameters were sampled and were below their respective emission limits
- BH26S - All required parameters were sampled and were below their respective emission limits
- BH27S - All required parameters were sampled and were below their respective emission limits
- BH28S - All required parameters were sampled and were below their respective emission limits
- BH29S - All required parameters were sampled and were below their respective emission limits

Q2 - Groundwater

Assessment of emission points with set emission limits.

- BH3S - All required parameters were sampled and were below their respective emission limits
- BH25S - All required parameters were sampled and were below their respective emission limits
- BH26S - All required parameters were sampled and were below their respective emission limits
- BH27S - All required parameters were sampled and were below their respective emission limits
- BH28S - All required parameters were sampled but the results for chloride and Ammonia were above their respective limits (450 mg/l & 2 mg/l)
- BH29S - All required parameters were sampled and were below their respective emission limits

Compliance – Q2 Emission Limits: The breach of the chloride and ammonia emission limit at BH28S is contrary to condition 3.2.3 of the permit. However, in accordance with CCS scoring guidance we have consolidated these breaches into one compliance breach covering the Quarter 2 monitoring period. Condition 3.2.3 (e2) – Quarter 2 – CCS 3

Q3 – Groundwater

Assessment of emission points with set emission limits.

- BH3S - All required parameters were sampled and were below their respective emission limits
- BH25S – No results were submitted for this quarter.
- BH26S - All required parameters were sampled and were below their respective emission limits
- BH27S - All required parameters were sampled and were below their respective emission limits
- BH28S - All required parameters were sampled and were below their respective emission limits
- BH29S - All required parameters were sampled but the result for alkalinity was above the limit (450 mg/l).

¹ Primarily groundwater requirements set out in Table S3.3 and leachate levels.

Compliance – Q3 Emission Limits: The breach of the alkalinity emission limit at BH29S is contrary to condition 3.2.3 of the permit. A compliance score of 3 has been attributed to this breach covering the Quarter 3 monitoring period. Condition 3.2.3 (e2) – Quarter 3 – CCS 3

Compliance – Q3 Monitoring: The failure to monitor all the parameters required by the permit is a breach of condition 3.6.1b of the permit. A CCS score of 3 have been attributed to this breach (g1 compliance heading) - Quarter 3 monitoring period. Condition 3.6.1b (g1) – Quarter 3 – CCS 3

Q4 - Groundwater

Assessment of emission points with set emission limits.

- BH3S - All required parameters were sampled and were below their respective emission limits
- BH25S - All required parameters were sampled and were below their respective emission limits
- BH26S - All required parameters were sampled and were below their respective emission limits
- BH27S - All required parameters were sampled but the result for chloride was above the limit (250 mg/l).
- BH28S - All required parameters were sampled and were below their respective emission limits
- BH29S -. All required parameters were sampled but the result for chloride was above the limit (300 mg/l).

Compliance – Q4 Emission Limits: The breach of the chloride emission limits at BH27S and BH29S is contrary to condition 3.2.3 of the permit. However, in accordance with of CCS scoring guidance we have consolidated these breaches into one compliance breach covering the Quarter 4 monitoring period. Condition 3.2.3 (e2) – Quarter 4 – CCS 3

Leachate Levels Q1

Assessment against requirements of Table S4.1 of the permit.

- Leachate Level monitoring was undertaken in January to March to the frequencies required by the permit.
- Leachate Levels were compliant over the duration.
- No leachate level data was available for cell 2 for this quarter.

Leachate Levels Q2

Assessment against requirements of Table S4.1 of the permit.

- Leachate Level monitoring was undertaken in April to March to the frequencies required by the permit.
- Leachate Levels were compliant over the duration.
- No leachate level data was available for cell 2 for this quarter.

Leachate Levels Q3

Assessment against requirements of Table S4.1 of the permit.

- Leachate Level monitoring was undertaken in July to Sep to the frequencies required by the permit.
- Leachate Levels were compliant over the duration.
- No leachate level data was available for cell 2 for this quarter.

Leachate Levels Q4

Assessment against requirements of Table S4.1 of the permit.

- Leachate Level monitoring was undertaken in Oct to Dec to the frequencies required by the permit.
- Leachate Levels were compliant over the duration.
- No leachate level data was available for cell 2 for this quarter.

Reporting

It appears that there are some deficiencies in the quarterly returns which need to be addressed.

These include:

- inconsistent or differing monitoring point identifications – please where possible use the identification used in the permit and please ensure they are applied consistently over each quarter;
- the sampling date is not included on the reports, the full date need to be included;
- data is missing for some locations;
- where there has been an emission limit failure the operator should undertake a repeat test immediately (if the sample is still available) and schedule a re-sampling exercise (you should not be waiting for the next monitoring period);
- the operator is repeatedly failing to submit schedule 5 notifications for emission limit exceedances (although we have been receiving S5 leachate level notifications since January 2020).

Conclusion

As noted previously, it is increasingly apparent that the current monitoring framework set out in Schedule 4 of this permit (and the equivalent schedules in the sister landfills) need to be reviewed and updated. The operator has been asked to submit a permit application to vary all three permits to update or revise the permit's monitoring schedule. NRW and TATA have scheduled a meeting at the end of March to start discussions on the scope of this work.

2019 Annual Monitoring Report

Whilst this CAR report was being compiled, the operator submitted the 2019 monitoring interpretation report (received February 2020²). We have undertaken a cursory review of this submission.

The report provides a detailed and thorough assessment and trending of the 2019 data collected for the hazardous landfill. The report make the following recommendation:

- *Small areas of vegetation require clearance to facilitate safe access to several monitoring locations*

NRW comment: The permit requires that all monitoring infrastructure is maintained and if damaged repaired or replaced promptly. Safe access to all monitoring points must always be maintained. These need to be actioned immediately.

The 2019 Annual report also refers to a previous annual report (2017), which included proposed changes to some of the permit's emission monitoring frequencies, parameters and in some cases emission limits.

These have not been accepted by NRW and any changes will need to be addressed and agreed as part of the forthcoming permit variation exercise.

2017 Hydrogeological Risk Assessment (HRA) review

It has come to light that the 2017 HRA review for the hazardous landfill has not been assessed by NRW. I have therefore asked NRW's geoscience team to start an assessment shortly and will provide feedback as soon as possible to the operator.

Permit variation – consolidation

As noted above, the deficiencies in this and the other landfill permits³ can only be satisfactorily addressed through a revision and update of all three landfill permits. As part of these variation applications the operator is invited to now consider whether this would be an opportune moment to consolidate the permits.

End of section 2

Note: Novel Coronavirus (COVID -19)

During the compiling of this report an escalation in the threat posed by the novel coronavirus (COVID – 19) pandemic, has resulted in the imposition of several stringent measures across the United Kingdom. These measures to control and reduce the spread and impact of the disease are having an impact on both NRW's and the operator's normal operating practices. At the time of writing all routine regulatory visits have been suspended by the regulator. The situation is dynamic and extremely fluid however these restrictions are expected to remain in place for several weeks if not longer. During this pandemic there will be a continued expectation that operators continue to meet the conditions of their permits. Where the operator has identified an issue that is likely to result in permit non-compliance or increased environmental risk, the operator is expected to speak to the regulator at the earliest opportunity.

² Extension previously agreed with the operator

³ Morfa Closed Landfill (AP3292LT) – Morfa Non-Hazardous Landfill (BV7311IE) - Morfa Hazardous Landfill (BW2692IM)

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Operator/Permit holder	Tata Steel UK Limited	Date	7 th February 2020

Section 3 – Enforcement Response

Only one box should be ticked

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.

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.

x

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
e2 & g1	3	Action ref 1.0036307 Consolidate and update permit monitoring tables and submit application to vary permit.	No deadline specified at present. Timetables to be discussed at TATA/NRW skype meeting - March.
		Action ref 2.0036307 TATA to ensure that all future monitoring submissions: - use correct and consistent monitoring identification - specify the sampling date - submit data for all monitoring points Action ref 3.0036307 TATA to ensure that: - where there has been an emission limit failure the operator should undertake a repeat test immediately (if the sample is still available) and schedule a re-sampling exercise; - schedule 5 notifications are submitted in accordance with the permit.	Immediate (i.e. Quarter 2 (Apr 2020) onwards)
		Action ref 4.0036307 Tata to provide missing Q3 data for BH6s	Within 14 days of the issue of this report
		Action ref 5.0036307 Vegetation near several sampling points requires routine clearance to enable continual safe access.	Prior to next scheduled sampling exercise and ongoing thereafter.

If you are unable to meet these deadlines, please contact your inspector immediately to discuss the possibility of extensions.

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

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 (e.g. 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 reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty 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.