

## Compliance Assessment Report CAR\_NRW0036891

**Permit being assessed:** PP3139GB.

For: Hafod Quarry Landfill Site, held by Enovert North Limited

At: Hafod Quarry Landfill Bangor Road, Johnstown, Wrexham, LL14 6ET.

**Type of assessment carried out:** Report/Data Review, Reason: Routine.

On 01/09/2020.

Parts of permit assessed: Q2 April - June 2020 Monitoring returns and Schedule 5 Notifications

**NRW Lead Officer:** Ian Oakes.

**Report sent to:** Dave Leonard, Site Manager on 02/09/2020.

### 1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor	2.7.1
E1 - Emissions - Air	C3 Minor	3.1.7
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor (Suspended)	3.5.1

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
3	8

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

### 2. What action is required?

Criteria	Action needed	Complete by
B1	Operator to ensure pumps and ancillary equipment are well maintained.	30/09/2020
E1	Site to continue to monitor closely, develop proposals and summarise performance in the annual report.	31/12/2020
G1	Continue to monitor in line with Covid 19 restrictions.	31/12/2020

Action criteria codes are listed in the 'Important information' section below.

### 3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

**You are non-compliant with your permit.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

## 4. Details of our assessment

### Q2 April - June 2020 Monitoring returns and Schedule 5 Notifications

1. Breach of Permit condition 2.7.1 The limit for the level of leachate listed in schedule 3, table S3.1 shall not be exceeded.

CCS3 - Q2 2020 Leachate level exceedances with reference to Schedule 5 Notifications HAF 261, 264, 265 for cells 1, 3, 4 at 2.3 - 19.0 m (new well Cell 2 high of 27 m reducing to 17 m) versus 2 m limit.

In April 2583 m<sup>3</sup> of leachate was removed with LC3 and LC4 pumping continuously decreasing the levels. Pump for new well LMP2R was delayed due to electrical parts for the control panel.

In May 1554 m<sup>3</sup> of leachate was removed. The level in LMP1b was dipped at 2.7 m on the 25 May, which compares against a transducer reading of 0.7 m. LC4 has been pumping throughout May. New panel for LMP2R was installed in Late June.

In June 2998 m<sup>3</sup> of leachate was removed. 541 m<sup>3</sup> of contaminated firewater (fire to be covered separately) was also removed. The pump and new panel for LMP2R were not installed until late June. However, Levels still decreased to 17 m. The leachate level will take some time to reduce further due to the slots in the well casing allowing perched leachate to enter the well at various levels.

The LMP4b 19.0 m measurement is thought to be in error or firewater draining into the chamber when compared to LC4 transducer reading of 1.7 m.

Action: Operator to ensure pumps and ancillary equipment are well maintained.

2. Breach of Permit condition 3.1.7 The limits for landfill gas set out in Schedule 3, table S3.6 shall not be exceeded.

CCS3 - Q2 2020 perimeter gas well exceedances with reference to Schedule 5 Notifications HAF 263, 266 for methane levels in GB01, 03, 4a, 4b, 6a, 7a, 7b, 08, 09, 12 ranging between 1.6 - 42.3% versus 1% limit.

Historically, these perimeter wells have demonstrated elevated methane levels and indicate some migration from landfill and / or potentially mines gas (wells at low relative pressure) and are subject to the Landfill Gas Management Plan.

Action: Site to continue to monitor closely, develop proposals and summarise performance in the annual report.

### 3. Breach of Permit condition 3.5 Monitoring due to Covid 19 restrictions.

3.1 Permit condition 3.5.1 The operator shall, unless agreed in writing by Natural Resources Wales undertake the monitoring and any other actions specified in the following tables in schedule 3 to this permit:

- a). Leachate specified in tables S3.1 and S3.9;
- b). Point source emissions specified in tables S3.2, S3.3 and S3.4;
- c). Groundwater specified in tables S3.5 and S3.11;
- d). Landfill gas specified in tables S3.6, S3.7 and S3.8;
- e). Surface water specified in table S3.10; and
- f). Particle matter specified table S3.12

3.2 Hafod non - compliance Schedule 5 Notification HAF 260 Covid 19 missed monitoring April 2020, reproduced here:

'As previously advised , the Government restrictions due to the global pandemic, and Enovert's contingency plan, have resulted in the Technician being unable to travel to Hafod to carry out the monitoring.

In April 2020 the following monitoring was missed:

- Surface water sampling, monthly suite;
- Groundwater sampling, monthly suite;
- Perimeter gas readings, monthly suite.

Site staff are continuing with daily site checks, and there is considered to be negligible risk to the environment due to missing the above monitoring.

Following the slight relaxation of the Government's rules, starting from May 13th, and a review of Enovert's Covid 19 risk assessment, monitoring is now returning to normal at all sites.

We will endeavour to complete all quarterly monitoring requirements for Quarter 2, plus June monthly monitoring, and as much May monthly monitoring as possible.'

3.3 Natural Resources Wales' position has been discussed / provided to Hafod as follows: 'We recognise that protecting public health is a priority in the Covid 19 pandemic, which may have an impact on resourcing and your ability to maintain compliance with your monitoring / reporting conditions within your permit / licence. We expect that you take a risk based approach to maintaining compliance. We will take a proportionate response to any non-compliances notified to us, that is directly linked to issues caused by the Covid 19 pandemic.

We will record the breach as non-compliant, and issue you a compliance assessment report , however we will consider suspending the score immediately to take account of these extenuating circumstances.'

3.4 The breach in Permit condition 3.5 Monitoring for April 2020 for surface / groundwater

and perimeter gas is considered consistent with NRW's position on Covid 19 and will be scored CCS3 and suspended.

Action: Continue to monitor in line with Covid 19 restrictions.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

## Important information

### Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

### Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

### How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

### **What are suspended scores?**

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

**Full list of Industry and Waste action criteria (used in section 1 and 2):**

#### **A: Permitted activities**

- A1 Specified by permit

#### **B: Infrastructure**

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

#### **C: General management**

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

#### **D: Incident management**

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

#### **E: Emissions**

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

#### **F: Amenity**

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

#### **G: Monitoring and records, maintenance and reporting**

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

#### **H: Resources efficiency**

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

### **Enforcement response**

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

### **Data protection notice**

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

### **Disclosure of information – this report will be available to view on-line**

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

### **What do I do if I disagree with the report or have a complaint?**

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

### **Welsh Language Standards**

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.