

Compliance Assessment Report

Report ID: CAR_NRW0036576

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

Site	Morfa Closed Landfill	Permit Ref	AP3292LT
Operator/Permit holder	Tata Steel UK Limited		
Regime	Waste Facility		
Date	12 th May 2020		
Assessment type	Report/ Data Review		
Parts of the permit assessed	Discharge of pre-op 1 and pre-op 2 – Recharge Trench A and B		
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	12 th May 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	N	
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	N	
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		Total compliance score (see section 5 for scoring scheme)	
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If the number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Introduction

In NRW's previous CAR report (CAR_NRW0036306), we asked Tata to clarify the status of two pre-operational conditions¹, relating to the recharge trench, which appear to be still outstanding. Following on from this report, Tata have now confirmed their agreement with the proposed limits. This document is therefore NRW's formal acknowledgement that the following pre-operational conditions have been discharged.

Recharge Trench A & B – Surface Water Chemistry limits – Pre-operational condition 1

Condition 2.6.1 (Table S1.4 - Pre-operational Condition 1) of the site's EPR permit (AP3292LT) specifies that:

The operator shall review all relevant monitoring data and produce a written report which shall include, but not be limited to, the following issues:

- *An assessment of the choice of substances to derive control and emission Limits for each of the Recharge Trench discharges;*
- *The setting of specific emission limits and control levels for the Recharge Trench discharges.*

The operator shall implement any improvements or measures as agreed in writing with the Environment Agency.

In order to discharge this pre-operational condition Tata submitted the following submissions:

- Geotechnology Report - *Recharge Trench Design Targets Report Number 1085r1v1d0811* – Dated: August 2011
- Geotechnology Report - *MORFA CLOSED LANDFILL, PORT TALBOT PERMIT EPR/AP3292LT2014 Annual Review of Environmental Monitoring Results - Report Number 1394r1v1d0315* – Dated March 2015
- Email from Stephen Thomas - Tata to Ffion Thomas NRW, dated 28 August 2015 14:51

NRW can confirm that we are satisfied that pre-operational condition 1 (for Recharge Trench A and B) has been discharged.

These submissions now form part of your EPR permit and your site management systems must be updated to reflect these (e.g. the control levels² and other procedures will need to be incorporated into your monitoring and reporting management systems).

These submissions will be also be referenced in Table S1.2 "Operational Techniques" of your permit.

Finally, the discharge of pre-operational condition 1 will result in changes to Table S4.2 of your permit, and for your convenience I attach a summary of the changes at the end of this report (including changes as a result of the acceptance of Pre-operational condition 2).

Recharge Trench A & B – Surface Water Levels– Pre-operational condition 2

Condition 2.6.1 (Table S1.4 - Pre-operational Condition 2) of the site's EPR permit (AP3292LT) specifies that:

The operator shall review all relevant monitoring data and produce a written report which shall propose:

- *Upper and Lower Groundwater Levels for each of the two respective Recharge Trenches*

The operator shall implement any improvements or measures as agreed in writing with the Environment Agency.

In order to discharge this pre-operational condition Tata submitted the following submission:

- Geotechnology Report - *Recharge Trench Design Targets Report Number 1085r1v1d0811* – Dated: August 2011

NRW can confirm that we are satisfied that pre-operational condition 2 (for Recharge Trench A and B) has been discharged.

These submissions now form part of your EPR permit and your site management systems must be updated to reflect these (e.g. maintenance and other procedures will need to be incorporated into your monitoring and reporting management systems).

¹ Action ref: 6.0036306

² A series of control levels also apply to many of these parameters and these are documented in the submissions.

These submissions will be also be referenced in Table S1.2 “Operational Techniques” of your permit.

Finally the discharge of pre-operational condition 2 will result in changes to Table S4.2 of your permit, and for you convenience I attach a summary of the changes in the table below (including changes as a result of the acceptance of Pre-operational condition 1).

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Table S4.2 Point Source emissions to water (other than sewer) and land – emission limits and monitoring requirements						
Emission point ref. & location	Parameter	Source	Limit (incl. unit)	Reference Period	Monitoring frequency	Monitoring standard or method
1. Recharge Chamber A as shown on drawing reference: Figure 8 Recharge Trench Alignment Revision 0, Dated 12.07	Water Level	Surface Water Ponds	Upper Level	Continuous	24 hour	
			6.50 mAoD			
			Mid Level			
			6.15 mAoD			
			Lower Level			
2. Recharge Chamber B as shown on drawing reference: Figure 8 Recharge Trench Alignment Revision 0, Dated 12.07	Water Level	Surface Water Ponds	Upper Level	Continuous	24 hour	
			6.50 mAoD			
			Mid Level			
			6.15 mAoD			
			Lower Level			
3. Recharge Chamber A and B as shown on drawing reference: Figure 8 Recharge Trench Alignment Revision 0, Dated 12.07	Phosphate	Surface Water Ponds	1.0 mg/l	Spot Sample	Quarterly	-
	Alkalinity		350 mg/l			
	Chloride		100 mg/l			
	Calcium		-			
	Total Ammonia		1.0 mg/l			
	Sulphate		150 mg/l			
	Electrical Conductivity		1000 uS/cm			

Note: As-built drawings showing the location of the recharge trench infrastructure was documented in Geotechnology Report: *MORFA LANDFILL SITE RECHARGE TRENCHES A & B CIVIL WORKS FOR RECHARGE SYSTEM INSTALLATION - Construction Validation Report* - Report Number 1088r5v1d1114. Extracts from this report have been attached to this document.

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Recharge Trench A & B - repairs

As noted in the previous CAR report repairs are required to the recharge trenches system. These will be undertaken as part of Non-Hazardous capping works to be completed by December 2021.

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.

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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.

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			
		Action ref 1.0036576 Tata to ensure that the site's relevant EMS system is updated to reflect changes following approval of pre-operational condition 1 and 2 submissions.	Within four weeks from the issue of this report unless otherwise agreed in with NRW

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.

Figure 3 System Schematic

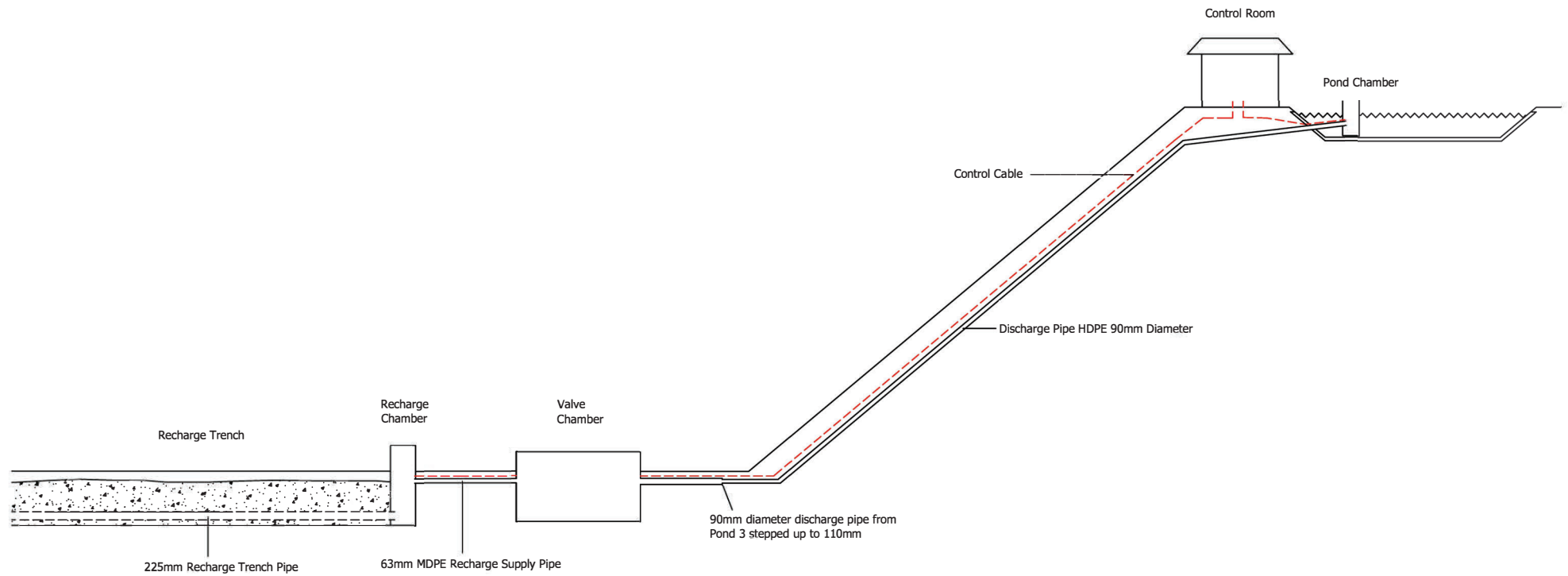


Figure 5 Cable and Pipe Survey Details

LEGEND:

-  Alignment of 90mm HDPE discharge pipe placed by cut and fill. Crown levels indicated
-  Alignment of 90mm HDPE discharge pipe placed by mole. Ground levels indicated
-  Alignment of 100mm HDPE discharge pipe placed by cut and fill. Crown levels indicated
-  Alignment of 100mm HDPE discharge pipe placed by mole. Ground levels indicated
-  Alignment of 63mm MDPE Recharge Supply Pipe. Ground Levels indicated.
-  Recharge Chamber
-  Valve Chamber
-  Pond Chamber
-  Recharge Trench
-  Cable Run to Control Room
-  6.78
Monitoring Well (GL)

