

## Compliance Assessment Report CAR\_NRW0036810

**Permit being assessed:** UP3335SN.

For: Silent Valley Landfill Leachate Treatment and Disposal Facility, held by Blaenau Gwent County Borough Council

At: Silent Valley Landfill Site , Cwm, Ebbw Vale, Blaenau Gwent, NP23 6PZ.

**Type of assessment carried out:** Report/Data Review, Reason: Incident Response (Incident number 2004266).

On 28/07/2020.

Parts of permit assessed: See below

**NRW Lead Officer:** Tyrone Ward, accompanied by Luke Burton.

**Report sent to:** Matthew Perry, Service Manager on 06/08/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C2 Significant	1.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.3.1
B1 - Infrastructure - Engineering for prevention and control of emissions	C2 Significant	2.1.1

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

Total number of non-compliances recorded	Total non-compliance score
3	66

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
C2	Refer to main text	04/09/2020
G4	Refer to main text	04/09/2020
B1	Refer to main text	04/09/2020

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.**

**We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.**

#### 4. Details of our assessment

##### **CAR form produced in response to Schedule 5 Notification received on 16th June 2020**

Titan Environmental Surveys Ltd, who monitor the water flow, noticed that flows in the sewer line down to Cendl Terrace from the leachate lagoon were low. Initially the low flow was thought to be due to dry weather, but after a period of rainfall it was noted that the flow was still very low. Following investigation it was found that debris and sediment had found its way into the line, which had caused a blockage upstream of the monitor. This blockage caused a surcharge from a manhole upstream (manhole no6) and into the surrounding SSSI, including the Nant Merddog watercourse.

The blockage was eventually traced and cleared and the line is discharging as normal.

From the Schedule 5 Notification and flow data BGCBC subsequently provided, the blockage in the sewer line appears to have been over the period 15<sup>th</sup> May to 11<sup>th</sup> June, with the release of an estimated 8,700m<sup>3</sup> of leachate. From previous DCWW data retrievals the leachate quality is relatively dilute; however is still many times above relevant EQS and would not be authorised under a discharge permit to ground or surface water.

Pollution incidents from the sewer line into the SSSI have now happened at least three times in the past.

Condition 2.1.1 of your permit states that The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”). **Table S1.1 activities - This Permit does not authorise any discharge of leachate/effluent to the Nant Merddog watercourse.**

We therefore consider this to be a non compliance CCS2.

Furthermore condition 3.1.1 of the permit states that There shall be no point source emissions to water, air or land.

You only informed us of the incident on 11<sup>th</sup> June, three days after discovery.

Condition 4.3.1 (a) of your permit states that In the event that the operation of the activities gives rise to an incident or accident which significantly affects or may significantly affect the environment, the operator must immediately—

- (i) inform Natural Resources Wales,
- (ii) take the measures necessary to limit the environmental consequences of such an incident or accident, and
- (iii) take the measures necessary to prevent further possible incidents or accidents;

We therefore consider this to be a non compliance CCS3.

The CCTV survey in your last annual report identified that sections the sewer pipe required jetting, along with some repairs. We consider a lack of inspections and maintenance to be

root cause.

Condition 1.1.1 of your permit states that The operator shall manage and operate the activities:

- (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and
- (b) using sufficient competent persons and resources.

We therefore consider this to be a non compliance CCS2.

At our meeting on 5th August, a draft paper was presented for an improved inspection and maintenance programme, along with a more sustainable solution for the sewer line in the longer term. Please can you provide the final document by 4th September. Our next meeting will be arranged around this date.

**Action - BGCBC to also arrange jetting of the sewer line and repairs, as a priority.**

Separately, NRW may carry out our own biological survey of the Nant Merddog in order to identify potential harm to stream macro invertebrates and wider populations. Gwent Wildlife Trust have been notified of the incident.

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.