

Compliance Assessment Report Report ID – CP3299FR201126

Permit being assessed: EPR/ CP3299FR **Deployment reference:** N/A

For: Cwrt Y Plyffin Landfill **held by:** J G Powell

At: Cwrt Y Plyffin Landfill,

Type of assessment: Data review

Reason: Routine

On: 26 November 2020

Parts of permit assessed: Permitted activities, Closure, Monitoring and Records, Maintenance and Reporting

NRW Lead Officer: Liz Park

Report sent to: Gethyn Powell, Operator

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 – Specified by permit	C3	G1 – G7
C2 - General Management - Management system and operating procedures	C3	C1(d)
G1 – Monitoring and Records, Maintenance and Reporting – Monitoring of Emissions and the Environment	C3	F2.2; F2.8; F3.2; F4.7; F5.3

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

Total non-compliances recorded	Total non-compliance score
No Of Breaches	Score
3	12

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
A1	Agree a date for submission of a restoration plan via the working plan. And submit the restoration plan.	17/12/2020 TBC

Criteria	Action needed	Complete by
C2	Ensure procedures are in place to comply with all permit conditions including those relating to the monitoring of emissions and the environment and reporting	17/12/2020
G1	Continue to monitor and submit monitoring data to NRW in line with permit requirements	With immediate effect

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.

Enforcement Response - Warning

4. Details of our assessment

NOTE: This Compliance Assessment Report has been produced manually due to IT issues with Natural Resources Wales' (NRW) report generating system. A duplicate report on the IT system will be produced once these issues have been resolved. A copy will be provided.

UPDATE: The date for compliance concerning the Restoration plan and Procedures has been extended until the New Year due to circumstances caused by the COVID-19 pandemic following discussions with the permit holder and his environmental consultant

It is understood that Mr J G Powell ceased to be a tenant of the land occupied by the Cwrt Y Plyffin landfill in early 2020. An all-party meeting to discuss the situation was arranged for March 2020 but had to be cancelled due to COVID-19.

A Skype meeting was undertaken on 06/10/2020 between Liz Park (NRW, Waste Regulation Officer), Gareth Lewis (NRW, Lead Specialist Advisor, Waste Policy) and Sarah Davies (Solicitor for Mr W M Jones). The meeting was concluded with the understanding that Mr J G Powell would still require access to the site to undertake emission monitoring and complete the restoration of the site with a view to be in a position that a surrender application could be made. Confirmation of access for monitoring and restoration has been provided to Mr J G Powell.

It is considered a meeting with J G Powell, his compliance officer and NRW would be beneficial. This will be arranged in due course.

A review of the emissions monitoring data was undertaken in 2018 by Lara Moggridge (please see CAR_NRW 0032957). There was an action to forward by email all the monitoring data that was provided during the visit.

You were made aware in 2018 that a full review of the closed landfill permit was commissioned by NRW to be undertaken by external consultants. NRW received this

review in April 2018. The information and recommendations within the review inform part of this report.

A further review of the submission of emission monitoring data has now been undertaken. There are historically significant gaps in the monitoring data. The majority of the monitoring data submitted since the emission monitoring conditions inserted as part of the modification on 15 May 2003 is not compliant with the permit conditions. Not all determinands have been measured and there are monitoring points which there are a lack of result for. A full set of monitoring data would be required for when an application to surrender the permit is made.

You have been given a CCS Category 3 breach for failing to submit the following emission monitoring results.

Please note: To date no emission monitoring data has been submitted for 2020. Below is a link to NRW's Regulatory Position Statement for Monitoring and Reporting during COVID-19.

<https://naturalresourceswales.gov.uk/about-us/news-and-events/statements/regulatory-decisions-for-monitoring-and-reporting/?lang=en>

The following breaches have been recorded. Please see below for full details.

C2 Management Systems and operating procedures – CCS C3

G1 Monitoring emissions and the environment – CCS C3

Landfill Gas Monitoring

No monitoring data is available for 2008 – 2014, 2016 & 2017. Please submit this landfill gas monitoring data. BH5 has not been monitored since closure.
No monitoring data for 2020 submitted.

You are not compliant with permit conditions F2.2/ F2.8

Leachate Monitoring

2018 – No monitoring data for location 2. Only one set of data submitted.

2019 – No monitoring data for location 2. Only one set of data submitted.

The monitoring frequency for Leachate levels, pH, temperature and electrical conductivity is monthly.

In 2018 and 2019 only one monitoring location was used.

In addition, data for the following determinands has not been submitted:

Leachate level & temperature – required monthly

Chlorides, sulphates, total alkalinity, total oxidised nitrogen, total oxidised carbon, Na, K, Ca, Mg, GCMS (volatiles), GCMS (Semi volatiles), Fe – required annually

No monitoring data for 2020 submitted.

You are not compliant with permit conditions F3.-1 – F3.3.

Groundwater Monitoring

There is no provision for a groundwater monitoring system, and no groundwater monitoring and sampling has been undertaken or submitted to NRW as required since May 2003.

You are not compliant with permit conditions F4.1 – F4.8.

Surface water monitoring

Surface water monitoring is required to be undertaken and submitted 6 monthly, but only monitoring data for one sample in 2018 and one sample in 2019 was submitted. In addition, analysis for the following determinands as required by permit condition F5.3 were not submitted: flow rate, temperature, dissolved oxygen, chlorides. It is noted that data for other determinands was submitted.

No monitoring data for 2020 submitted.

You are not compliant with permit conditions F5.1 – F5.3

The root cause has been assessed as a failure to have and to follow robust procedures for emission monitoring.

ACTION: Landfill gas monitoring must be undertaken as per the above permit conditions.

ACTION: Groundwater monitoring must commence as per the above permit conditions.

ACTION: Leachate monitoring must be undertaken as per the above permit conditions.

ACTION: Surface water monitoring must be undertaken as per the above permit conditions.

ACTION: Provide a copy of the procedures in place within your working plan/ management system with respect to Emission monitoring to ensure compliance with the emission monitoring permit conditions. This document must include details of all the sampling points.

Restoration Plan

Permit conditions G1 – G7 details the site restoration.

A restoration plan to use waste for restoration has never been submitted for the site. And therefore, waste cannot be used to restore the site. A permit application to surrender the permit cannot be made until such time that the site is restored. A restoration plan will need to include the capping of the larger area of the site which remains uncapped.

You are now required to produce a restoration plan as part of your working plan as per permit condition G6.

You have been given a CCS Category 3 breach for failing to undertake site restoration.

ACTION: Agree a date with NRW by which a restoration plan will be submitted.

ACTION: Submit the restoration plan by agreed date.

Please note, that continued failure to submit the required monitoring data and undertake site restoration may result in an increase to the categorisation of the non-compliances.

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.

If your assessment result in Section 1 is suspended, what does this mean?

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 non-compliance with a permit condition 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 twenty 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 to 18:00), or email 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

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.