

Compliance Assessment Report CAR_NRW0037417

Permit being assessed: MP3036SS.

For: Whitehall Landfill, held by Cemex U K Materials Ltd

At: Old Port Road, Cardiff, Glamorgan, CF5 6AW.

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

On 31/12/2020.

Parts of permit assessed: 2020 Quarterly returns

NRW Lead Officer: Richard Taylor.

Report sent to: Helen Vonka, Principal consultant sustainability on 28/01/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B5 - Infrastructure - Plant and equipment	C4 No impact	2.10.8.1
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Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
3	0.3

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
B5	Maintain permit conditions regarding safe access to monitoring points	31/03/2021
B5	Maintain access to boreholes for quarterly monitoring requirements	31/03/2021
B5	Q4 borehole could not be accessed for monitoring purposes as required by permit conditions.	31/03/2021

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.

At this time, we do not intend to take any further action.

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

Whitehall MP3036SS

2020 Quarter 1,2,3, and 4 round -up.

The following report carries 3 non compliances to permit conditions. All three are concerned with accessing the monitoring points. The site must maintain safe access and maintenance of the boreholes so that the safety of the sampling staff, and the adherence the permit reporting requirements is maintained. The non compliances are minor in nature and constitute permit noncompliance without an environmental effect.

Q1 Data was submitted 7th April - on time. Site stated in accompanying report that data exists for BH14 and BH15, and this was provided, but the water depth data for BH14 was omitted for the quarter, with BH15 omitted for Jan 2020. An explanatory note on the excel spreadsheet submission described these points as being inaccessible at the time of monitoring. However, data was provided for each individual species for the boreholes and no permit limits were exceeded during the quarter. Only the water levels and borehole depths were not provided for BH14 for Jan, Feb, and March and BH15 for Jan.

This is a breach of permit condition 2.10.8.1 where site are required to provide monitoring staff with safe access to enable monitoring to be carried out. Access and maintenance of the monitoring points was raised in previous CAR forms issued to site on 03/07/2018 and 2/03/20. A Cat 4 noncompliance is a minor non-compliance with no environmental effect.

Decision – NRW impose a Cat 4 breach of permit condition 2.10.8.1 for failing to maintain access to BH14 and BH15 during the quarter.

Q2 Data was submitted 24th June - on time. No issues were reported in the accompanying report. Trace elements of methane were present in the gas. CO2 levels were all below the 6% permit limit with the highest of 2.7% occurring in GM10 in April. Ground water borehole 6 was dry in June. BH9 dry in May. Both boreholes however provided samples for analysis and contributed to a full spectrum of results for the quarter. No permit limits were exceeded.

Q3 Data was received 6th Oct with no issues reported by site in the accompanying report. Gas monitoring results from Methane and CO2 were all within permit limits with zero % methane content reported throughout the quarter. CO2 levels reached a high of 4.1% CO2 recorded in Sept for GM10 against a limit of 6%.

Borehole BH15 was not located in September due to long grass. BH9 was reportedly dry throughout the quarter. This led to the submission of an incomplete suite of results with no species measured for BH9 and missing water depth data for BH15 in Sept. Also, BH1 was dry during the quarter. BH3a had insufficient flow in July. BH3 was partially blocked also in July.

Decision NRW impose a Cat 4 breach of permit condition 2.10.8.1 for not maintain access to monitoring point BH15 during the quarter.

Q4 received on 12th Jan 21. No issues were reported in the accompanying review sheet. The levels of methane were negligible with a high of 0.1% against a permit limit of 1%. CO2 levels were all below 6% with the peak of 3.8% reported for GM10 in December.

The water levels at BH15 could not be obtained due to long grass obstructing access. The borehole was also not found for early November, but the site successfully found it for late November so managed to fulfil the

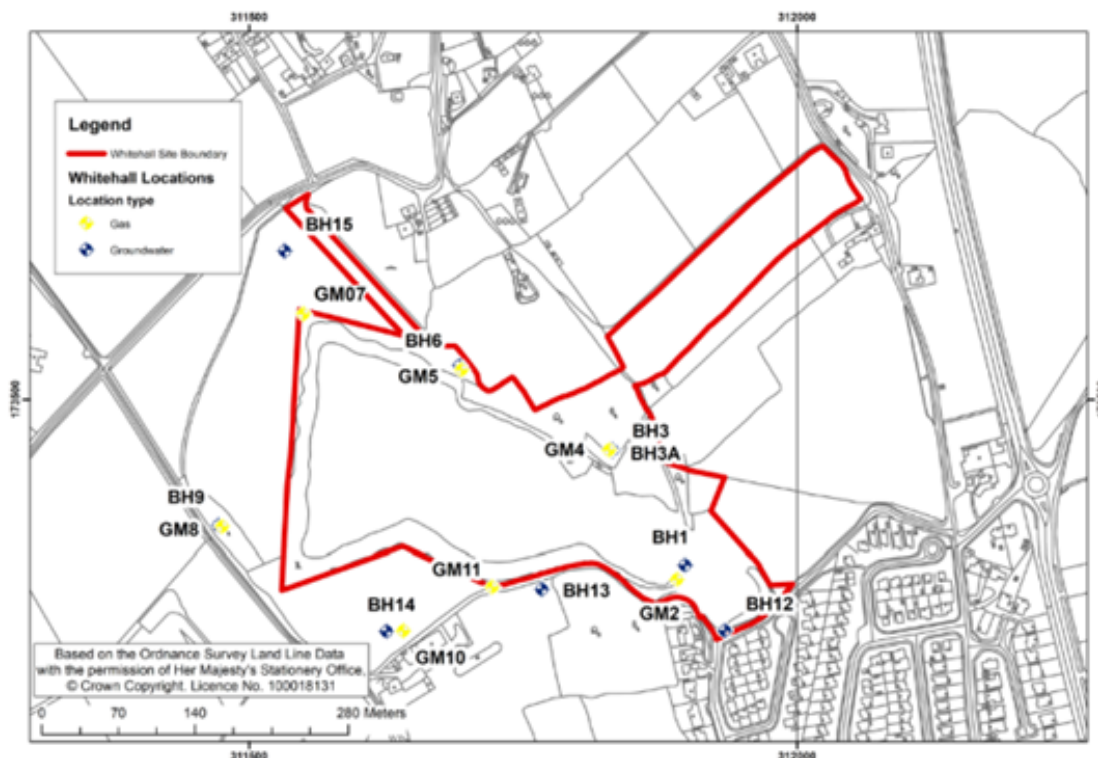
permit requirement for November but missed reporting data for Oct for this borehole due to lack of maintenance of the monitoring location access point.

Decision NRW imposes a Cat 4 noncompliance of permit condition 2.10.8.1 for Cemex's failure to maintain access to monitoring points.

A full spectrum of monitoring results were obtained for the quarter. All results were within permit limits.

Note – on 30th Sept NRW agreed to increase the limit for potassium at BH12 from 18.6mg/l to 24.7mg/l. This came into effect from that date and was in force for Q4 data. Notably the potassium at BH12 was reported as 7.18mg/l during the quarter.

Figure 2.1 Site location plan



Site Closure plan

Site are reminded to implement the site closure plan and apply to NRW permitting to surrender the EPR permit. The links have been sent on previous CAR forms. Until the site surrenders its permit it remains under the conditions of the permit including monitoring & reporting and annual subsistence fees.

End.

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 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.