

Compliance Assessment Report CAR_NRW0037587

Permit number	BU8819IV	Operator name	FCC Waste Services (UK) Limited
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Site name	Pwllfawatkin Landfill Site
Site address	Rhydyfro, Pontardawe, SA8 4RX
Assessment type	Record of a breach of environmental permit arising from the exceedance of a permitted emission limit.

Date of assessment	12 February 2021	Time in	N/A	Time out	N/A
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Parts of permit assessed	See section 4
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NRW Lead officer	Guy Baskerville	Accompanied by	N/A
Report sent to – Name and position	Richard Thomas Operations Manager	Date	12 February 2021

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

Part of permitted activity assessed (use action criteria below)	Assessment result	Permit condition
E2 Emissions – Land and groundwater	C3 Minor	3.2.3
E2 Emissions – Land and groundwater	C3 Minor	3.2.3
G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales	C4 No environmental impact	4.3.2

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

2. What action is required?

Criteria	Action needed	Complete by
N/A	N/A	N/A

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 prosecutions and/or suspension or revocation of your permit.

4. Details of our assessment

The purpose of this Compliance Assessment Report (CAR) is to record breaches of the environmental permit arising from the exceedance of permitted emission limits during **Q2 2020**.

Condition 3.2.3 of the environmental permit states:

The trigger levels for emissions into groundwater for the parameter(s) and monitoring point(s) set out in schedule 4 table S4.4 shall not be exceeded.

Table S4.4 of Schedule 4 to the environmental permit is partially reproduced below.

Table S4.4 Trigger levels for emissions into groundwater and monitoring requirements					
Monitoring point reference	Parameter	Limit (including unit)	Monitoring Frequency	Reference period	Monitoring standard or method
BH11B	Ammoniacal Nitrogen	1 mg/l	Monthly	Spot Sample	In accordance with guidance in LFTGN 02
BH16A	Ammoniacal Nitrogen	1 mg/l	Monthly	Spot Sample	In accordance with guidance in LFTGN 02

A Schedule 6 notification submitted to NRW on 20 May 2020 gives the measured Ammoniacal Nitrogen result at monitoring point BH11B on 07 May 2020 as 2.5 mg/l. This is an exceedance of permitted emission limits and represents **non-compliance** with the environmental permit.

As a result of this non-compliance a CCS Score C3 has been recorded against compliance sub-criteria (E)(2)

A Schedule 6 notification submitted to NRW on 20 May 2020 gives the measured Ammoniacal Nitrogen result at monitoring point BH16A on 07 May 2020 as 1.1 mg/l. This is an exceedance of permitted emission limits and represents **non-compliance** with the environmental permit.

As a result of this non-compliance a CCS Score C3 has been recorded against compliance sub-criteria (E)(2)

Condition 4.3.1 (b) of the environmental permit states:

The Agency (sic) shall be notified without delay following the detection of:
(b) the breach of a limit specified in the permit.

Condition 4.3.2 of the environmental permit states:

Any information provided under condition 4.3.1 shall be confirmed by sending the information listed in schedule 6 to this permit within the time period specified in that schedule.

Part A(b) of schedule 5 to the environmental permit requires NRW be notified **within 24 hours of detection** of an exceedance of permitted limit.

In all cases, the operator notified the regulator of the exceedance of permitted emission limit(s) detailed in this report. However, based on the information provided by the operator, each notification appears to have been submitted outside the time period specified in the schedule which represents **non-compliance** with the environmental permit. Based on the information provided, there is evidence that the operator has confused the date and time of detection (i.e. when the operator was first made aware of the exceedance) with the date and time

of the event (i.e. when the sample was taken) and it is therefore possible that notifications have been made within the time period.

As a result of this non-compliance a CCS Score C4 has been recorded against compliance sub-criteria (G)(4)

HOWEVER, the above CCS Score is suspended as per Compliance Assessment Report CAR_NRW0037586

[END]

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 in the aspects assessed.
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

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

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.