

Compliance Assessment Report CAR_NRW0037609

Permit being assessed: VP3935AT.

For: Tir John Landfill, held by Enovert South Ltd

At: Wern Fawr Road, Off Fabian Way, Port Tenant, SWANSEA, West Glamorgan, SA1 8LN.

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

On 31/12/2020.

Parts of permit assessed: see below

NRW Lead Officer: Karen Dunn.

Report sent to: Lance Jones , Landfill Manager Swansea on 12/02/2021.

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 Minor	2.8.1, 3.1.2
E2 - Emissions - Land and groundwater	C3 Minor	3.1.5, 3.1.2
A1 - Specified by permit	C3 Minor	2.8.1, 3.1.2
E2 - Emissions - Land and groundwater	C3 Minor	3.1.5, 3.1.2
A1 - Specified by permit	C3 Minor	2.8.1,3.1.2

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

Total number of non-compliances recorded	Total non-compliance score
5	20

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	Update leachate management plan	Already completed
E2	Investigation to be undertaken to identify root cause	Already completed
A1	Leachate management plan review and update	Already completed
E2	Investigate root cause	Already completed
A1	Update leachate management plan for 2021 to address issue and bring into compliance	30/04/2021

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.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

Quarterly Monitoring Returns - Q1 (January to March 2020)

This Compliance Assessment Report (CAR) is a written record of a partial review by Natural Resources Wales (NRW) of the Schedule 5 submissions for the Tir John Landfill permit reference EPR/VP3935AT in 2020.

Please note that during this review and the drafting of this report there was a global pandemic (COVID-19) which resulted in restrictions and stringent measures in place around the world.

Q1 Schedule 5 submission

Water

For ease of reference the table from the Schedule 5 submission has been replicated below:

Emission point reference/ source	Ammoniacal-N: GDW18 = 5mg/l, SW1 = 0.5mg/l			
Parameter(s)	ID	Date	NH4-N (mg/l)	
Limit			Result	Limit
Measured value and uncertainty	GDW18	14/01/2020	15	5
Date and time of monitoring		26/02/2020	15	
		24/02/2020	13	
	SW1	20/02/2020	0.59	0.5
		04/03/2020	0.93	

Also, the table with the NH4-N results from using a handheld meter at SW1 has been taken into consideration. It is acknowledged that these differed from those of the laboratory. In this instance SW1 have not been scored as this was investigated with the laboratory. It is also noted that the annual report for the site is yet to be submitted for NRW review.

A category 3 (C3) non-compliance score has been applied against permit condition 3.1.2 and 3.1.5 Table S3.5 and consolidated for the quarter for GDW18.

Leachate Levels

The operator submitted a Schedule 5 notification in line with the environmental permit for leachate levels recorded above the permitted limit. On receipt it was agreed that the leachate management plan for the site would be reviewed, updated and submitted to NRW as there has been a long-term matter to reduce leachate heads across the site. In brief the operator has advised that the site suffers from a legacy leachate issue where large cells in a very wet area of the UK that has been hindered by capping delays has resulted in breaches in the leachate limits. There was also a matter of potentially perched leachate and a full review of the wells needed to be undertaken.

Improvement works have been on-going and is outlined in the submission made in July 2020 by the operator. It was noted however that the average leachate level has continued to reduce since 2017 and the operator is moving towards compliance as improvements have been made to tackle the long term issue. Please refer to the following submission which have not been replicated on this CAR:

- Envert Leachate Action Plan Comparator 2017-2020
- Envert Leachate Action Plan – Tir John Phase 2 Landfill Site – Leachate Level Action Plan

Leachate level limits are outlined by permit conditions 2.8.1 and 3.1.2. One C3 breach has been incurred for the Q1 leachate level breaches against these conditions and consolidated.

Q2 April - June 2020 Schedule 5 submission

The operator notified NRW in line with the environmental permit through a Schedule 5 submission of where the leachate levels were out of permit compliance. Again, a consolidated C3 score has been applied for the quarter due to the on-going work and commitment from the operator to continue to improve this legacy matter and bring the leachate levels into compliance.

Updated leachate management plan submitted to NRW in July 2020 as referred to in the above text.

Q3 July - September 2020 Groundwater

The following tables have been taken from the Schedule 5 submission for Q3 and replicated below for ease of reference.

Emission point reference/ source	Ammoniacal-N:				
Parameter(s)					
Limit					
Measured value and uncertainty					
Date and time of monitoring					
	ID	Date	NH4-N (mg/l)		
			Result	Limit	
	GDW18	13/08/2020	20	5	
	GDW18	22/09/2020	21	5	
	GDW07	22/09/2020	16	15	
	Orthophosphate: GDW04 - GDW07 = >0.05mg/l				
	ID	Date	Orthophosphate (mg/l)		
			Result	Limit	
	GDW04	22/09/2020	0.14	0.05	
	GDW05	22/09/2020	0.18	0.05	
	GDW07	22/09/2020	0.19	0.05	
	Zinc: GDW04 – GDW17 = >0.075mg/l				
	ID	Date	Zinc (mg/l)		
			Result	Limit	Re-sample
	GDW04	22/09/2020	0.22	0.075	0.0097
	GDW06	22/09/2020	0.15	0.075	0.0068
	GDW10	22/09/2020	0.076	0.075	0.0043
	GDW14	22/09/2020	0.076	0.075	0.0029
	GDW15	22/09/2020	0.076	0.075	0.0026
	GDW16	22/09/2020	0.14	0.075	0.0054
	GDW17	22/09/2020	0.14	0.075	Flooded

A consolidated C3 score has been applied in respect of the Schedule 5 submission for this quarter against permit conditions 3.1.2 and 3.1.5 (groundwater) TableS3.5.

Q4 October - December 2020 Leachate Level

The operator submitted a Schedule 5 notification in line with the environmental permit. The

notification (operator reference TIR0171 13/01/2021) has not been replicated here but outlines the efforts to reduce leachate levels in phase 2. It is recommended that the operator updates the leachate management plan for the forthcoming year to demonstrate the work that has been completed or is on-going to address this long-term matter. NRW notes that the operator has stated that the long-term trend analysis shows that the leachate levels are consistently lower than previous years. One consolidated C3 score has been applied in respect of the non-compliances against permit condition 2.8.1 and 3.1.2 for the quarter.

2020 Annual Report Submission

During this partial review the operator requested an extension to the 31 January 2021 deadline to 31 March 2021 for submission of the annual monitoring report for Tir John Landfill. An extension to this deadline has been agreed in line with other UK environmental regulators for this submission.

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.