

Compliance Assessment Report CAR_NRW0037129

Permit being assessed: DP3733BK.

For: Docksway Landfill , held by Newport City Council

At: Docksway Disposal Site - Phase 2 Docks Way , Newport, South Wales, NP20 2NS.

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

On 12/02/2021.

Parts of permit assessed: See below

NRW Lead Officer: Tyrone Ward.

Report sent to: Silvia Gonzalez-Lopez, Waste and Cleansing Service Manager on 15/02/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E2 - Emissions - Land and groundwater	C3 Minor	3.6.1
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor	3.6.1
E2 - Emissions - Land and groundwater	C3 Minor	3.6.1
E3 - Emissions - Surface water	Action only (X)	
C1 - General Management - Staff competency/training	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	3.6.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	3.6.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.2.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	3.6.1

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

Total number of non-compliances recorded	Total non-compliance score
7	28

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
E2	Trend ongoing monitoring and discuss with operator as part of next AER	28/02/2021
B1	Refer to Management Plans and previous CAR forms.	28/02/2021
E2	Following meeting with gas contractor investigation works proposed. Please advise on start date	28/02/2021
E3	Refer to CAR text	28/02/2021
G4	Resume VWP/PWP reporting as soon as practicable	28/02/2021
G4	Resume VWP/PWP reporting as soon as practicable	28/02/2021
G4	Please provide AER before due date in form	28/02/2021
G4	Install Inclinometers, survey and monitor as soon as possible	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

Monitoring Returns

Rounds 199 (for the period to Sept/Oct 20) received and reviewed. Includes surface water, groundwater, leachate and landfill gas. Annual screening of groundwater and leachate also provided as part of reporting.

Surface water

C3_Asb breach of COD (252mg/l) discussed in recent meetings, lastly on 19th Nov. This appears to be an increasing trend, and the operator is investigating further as to the cause.

Groundwater

GW06_37 Ammoniacal nitrogen levels marginally exceeded. Also refer to previous reports, with potential for data trend analysis and discussion in AER.

Considered to be a category 3 breach of permit condition 3.6.1.

Leachate levels

Though exceedances of the 2.0 metre limit were recorded; the overall control of leachate level is continuing to improve significantly.

Considered to be a category 3 breach of permit condition 3.6.1

Volumes of leachate removed by tanker also noted; and further capping works are planned for the new year.

Landfill Gas

Breach of methane level at GP05_20, GP09_18, GP09_18A, GP09_18B and GP09_18C.

In relation to GP09_18 series, a meeting has taken place with NCC and Infinis gas contractor to investigate further. Please advise on the start date for these works.

Considered to be a category 3 breach of permit condition 3.6.1

Annual Environmental Report 2020

Please provide AER (and outstanding Q4 monitoring) before the due date in this form.

Considered to be a category 3 breach of permit condition 4.2.2

Particulate monitoring (asbestos cell)

Monitoring results (to cover the period 01 Jan 20 to 31 Dec 20) provided using reporting form 'Particulate1'.

Vibrating Wire Piezometers (Cell2)

Annual review of vibrating wire piezometer data (as required by tables S3.10 and S4.1 of permit) for years 2018 and 2019 not provided. In our recent meeting, NCC have agreed to resume this on an initial monthly/quarterly basis (with a view to reducing to annually as part of the AER) going forward. The data collected will be compared to the Stability Risk Assessment.

Considered to be 2x category 3 breaches of permit condition 3.6.1.

Separation bund topography and inclination (asbestos cell)

Discussed the requirements for monitoring the separation bund in our Oct 20 and recent February meetings. *Whilst NCC now have the work in hand; please ensure it is progressed as soon as possible.*

Considered to be a category 3 breach of permit condition 3.6.1

Waste Returns

Q3 and Q4 returns received and reviewed. The annual tonnage for 2020 exceeded permitted limits by approximately 9,700 tonnes. This relates to an ongoing non-compliance (refer to previous

CARs)

NCC provided a permit variation to increase tonnages (with associated risk assessments and supporting documents) in Aug 20 and is now in determination.

Technical competence

Reviewed TCM (and continuing competence requirements) during Covid.

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.