

Compliance Assessment Report CAR_NRW0037725

Permit being assessed: KP3795FU.

For: Hendy Quarry Landfill, held by Tarmac Trading Limited

At: School Road, Miskin, Pontyclun, R C T, CF72 8PG.

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

On 31/12/2020.

Parts of permit assessed: Annual returns

NRW Lead Officer: Richard Taylor.

Report sent to: Ricky Guest, Site Manager on 04/03/2021.

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	C3 Minor	3.6.1(b)
A1 - Specified by permit	C3 Minor (Suspended)	3.6.1
A1 - Specified by permit	C3 Minor (Suspended)	3.6.1
A1 - Specified by permit	C3 Minor (Suspended)	3.6.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4 No impact	S4.1

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

Total number of non-compliances recorded	Total non-compliance score
5	4.1

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	Reinstate downstream groundwater monitoring points as priority.	30/06/2021
A1	Reinstate monitoring network ASAP in accordance with Govt guidelines	31/03/2021
A1	Reinstate monitoring as soon as practicably possible	31/03/2021
A1	Reinstate at earliest opportunity.	31/03/2021
G1	Reinstate daily monitoring as soon as practicably 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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

Hendy Quarry KP3795FU

Annual Reports summary 2020

Q1 results – Received by NRW 22 Apr 2020.

Site send a schedule 6 report to highlight that some daily volumes were missing from the surface water soakaway. Weekly and monthly figures were provided.

Permit condition S4.1 requires daily volumes to be recorded for the water discharge from the quarry.

Decision - 1 x Cat 4 breach of permit condition S4.1 for not providing daily readings during Q1 for surface water soakaway. This is a permit breach without environmental effect for Q1 2020.

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Status of monitoring points

Points BH01, BH03, BH04, were reported as being removed.

Points BH0E, BH0X, and BH0Y, were no able to be accessed. The former due to the danger of falling rocks. BH0X because the lock compound code had been changed.

Point PZ04 08 was not installed.

Points PZ07 08 and PZ08 08 were unable to be sampled.

Permit conditions require the sampling and reporting to groundwater of upgradient boreholes PZ2 08 and PZ3 08, and downgradient points PZ7 08 and PZ8 08. Site reported data from the first two as well as the 'quarry sump'. Data appears to be missing from the latter two boreholes.

Question 1 – Why is the data from the downgradient points PZ7 08 and PZ8 08 not reported? Have these been superseded by PZ07/08 & PZ08/08?

Note that PZ7 08 and PZ8 08 are listed within the permit. However, the annual report (discussed below) states that PZ07/08 & PZ08/08 are the downstream monitoring points for groundwater, and not monitored in Apr (Q2) and Jul (Q3). An explanation was given in the annual report that PZ07/08 was dry in 2020 and that PZ08/08 was deformed and unable to sample. However, points PZ02 08, PZ03 08 and the sump are used for monitoring data for Q1. It is assumed that these are upgradient points whereas the others are downgradient.

Question 2 - Which points are currently used to monitor groundwater for upstream and which are used for downstream monitoring?

During the latter half of 2019 monitoring point PZ08/08 was reported as being deformed and not able to

provide a sample. The other downstream groundwater monitoring point PZ07/08 has been dry for at least 2 years and has not produced any results. Plans were in place in the 2019 report to drill replacement boreholes, but this has not materialised in 2020. Obtaining representative samples is a permit requirement, and the maintenance of the boreholes is required through permit condition 3.6.1

‘The operator shall, unless otherwise agreed in writing by the Agency, undertake the monitoring for the parameters, at the locations and at not less than the frequencies specified in the following tables in Schedule 4 to this permit: (b) Groundwater specified in Tables S4.2 and S4.4’.

As the groundwater downstream monitoring at PZ08/08 has not been monitored since approximately the 2nd quarter of 2019 due to deformity we request that this borehole is brought back into service at the earliest opportunity. At present the groundwater quality downstream can only be assumed to be similar to the upstream quality, so this needs to be addressed immediately.

Decision – Re-install downstream groundwater monitoring point PZ08/08 with immediate effect.

Note- replacement of 4 downgradient boreholes has been identified in the 2020 annual report discussed below. This needs to be implemented as soon as practicably possible.

Also, this borehole was highlighted in a CAR form dated 10/10/17 and was subject to a Cat 3 breach.

The lack of results from this location due to the deformity has scored a permit breach under the above condition. This applies for the last 18-month period where results have not been attained due to deformity.

Decision – 1 x Cat 3 breach of permit condition 3.6.1 for failure to maintain groundwater downstream borehole to obtain results for 2020. This is a minor breach which could have a minor environmental effect.

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Q2 2020

Site sent a Schedule 6 notification to NRW on 4th May 2020 stating that due to Covid 19 restrictions sampling did not take place during Q2. Site used Regulatory Position Statement RPS-C7.

NRW took the decision to record any permit breaches due to staff shortages and the effects of Covid 19 but to not apply any score to the omission. Therefore, the non-taking of samples in Q2 is recorded as a breach of permit conditions at schedule 2.

Decision - 1 x Cat 3 – non scoring breach of permit schedule 2 for not carrying out quarterly samples in Q2 2020 due to personnel restrictions.

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Q3 2020

Site requested the continued use of the latest version of RPS C7 throughout Q3. As above, this is classed as a non-compliance without penalty in accordance with NRW position statement.

Decision - 1 x Cat 3 – non scoring breach of permit schedule 2 for not carrying out quarterly samples in Q3 2020 due to personnel restrictions.

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Q4 2020

Site continued to invoke the latest government position statement for non-taking of scheduled samples which was accepted by NRW throughout the quarter. As above a non-scoring non-compliance is recorded.

Decision - 1 x Cat 3 – non scoring breach of permit schedule 2 for not carrying out quarterly samples in Q4 2020 due to personnel restrictions.

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Annual Report 2020

This report was submitted before the reporting deadline.

The annual report is a requirement of permit condition 4.2.1 and is to include the following points which have been listed together with NRW's assessment;

a) A review of the monitoring and assessment carried out in accordance with the Permit against the relevant assumptions, parameters and results in the risk assessments submitted with the Application.

As above the 2020 reporting period for Q2, Q3 and Q4 monitoring was limited with the site invoking Regulatory Position Statement RPS-C7 as amended throughout.

One exceedance of the permit limit for CO₂ was provided at PZ05 08 with 1.6% against a limit 1.5%. However, the uncertainty factor for the GA5000 device used is +/-0.41%. When applied, this gives the lower reading of 1.534% which was duly rounded down to the nearest 0.1% to meet the permit limit. NRW accept this as not a limit exceedance.

b) Where the operator's management system encompasses annual improvement targets, a summary report of the previous year's progress against such targets;

Four targets were identified for implementation in 2021.

- **Replace down gradient monitoring boreholes.**
- **Install a suitable meter to allow the monitoring of discharge flow rate and monitor on a weekly basis.**
- **Take daily discharge readings.**
- **Maintain access to all permit monitoring points.**

c) The energy consumed at the Site, reported in the format set out in Schedule 5 Table S5.3;

d) The water consumed at the Site, reported in the format set out in Schedule 5 Table S5.3;

e) The annual production/treatment set out in Schedule 5 Table S5.2;

f) Details of any contamination or decontamination of the site which has occurred;

g) The topographical surveys required by condition 3.6.3 other than those submitted as part of a CQA validation report

h) The volumetric difference (reported in cubic metres) between the most recent topographical survey and the previous annual topographical survey i.e. the additional volume of the landfill void that is occupied by waste;

i) An assessment of the settlement behaviour of the landfill body based on the difference between the most recent topographical survey and previous annual topographical survey for the areas of the landfill which did not receive waste between the surveys;

This was not provided. It was thought that this was not required due to there being no permanently restored areas.

Question 3. The assessment is for the areas which did not receive inputs between surveys not necessarily the completed areas. **Why is this interpreted as being for permanently restored areas only?**

j) A calculation of the remaining capacity (reported in cubic metres) derived from the pre-settlement contours and the most recent topographical survey;

Remaining capacity 1,300,054m³

k) The compliance testing undertaken in the period.

No compliance testing was carried out due to the Covid 19 outbreak.

Other than question 2 above, the Annual report was accepted.

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.