

Compliance Assessment Report CAR_NRW0037690

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 12/08/2021.

Parts of permit assessed: See below

NRW Lead Officer: Tyrone Ward.

Report sent to: Silvia Gonzalez-Lopez, Waste and Cleansing Service Manager on 12/08/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor	3.6.1
E2 - Emissions - Land and groundwater	C3 Minor	3.6.1
E2 - Emissions - Land and groundwater	C3 Minor	3.6.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
3	12

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
B1	Refer to Leachate Management Plans and continue progress	12/11/2021
E2	Continue to trend monitoring data with view to further investigations	12/11/2021
E2	Provide Action Plan for addressing lateral migration in this part of the site	15/10/2021

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

Annual Environmental Review 2020

AER received and reviewed. Includes surface water, groundwater, leachate, landfill gas, plus topographic survey.

Surface water

C3_Asb - Previous breaches of COD during 2020 are now within the compliance limit of 120mg/l for the monitoring.

SW26 - Whilst there is no acceptable limit value for Ammoniacal Nitrogen in the discharge consent, concentrations recorded in 2020 are lower than those recorded in 2018 and 2019.

Along with ongoing trending of results as detailed in the Appendix 1 graphs; we have discussed how site operations can directly affect limits. Parameters within limits in recent monitoring rounds. Commentary in Section 2.3.1 of AER noted.

We also discussed proposal to revise/reconfigure the perimeter drainage ditch falls, in conjunction with the next programme of capping work.

Groundwater

GW06_37 Ammoniacal Nitrogen levels continue to exceed the Compliance Limit of 35mg/l, with recorded concentrations for Sept and Dec 20 monitoring rounds between 42.4mg/l and 47.0mg/l respectively. The concentration recorded in Dec is the highest concentration recorded at this location.

GW06_37 As the Compliance Limit of 60ug/l was exceeded with recorded concentrations of 69.7ug/l and 70.9ug/l.

Separately noted that concentrations of EPH have generally been recorded below 500µg/l in all of the monitoring wells in Area 2 during 2020, with the exception of GW06_34, GW06_36 and GW06_37, where concentrations between 830ug/l and 2,590ug/l were recorded. The highest recorded concentration of 2,590ug/l was recorded in GW06_34 in Dec 2020, and is the highest concentration recorded at this location to date.

Discussed non-compliances and ongoing trending of data, comparison with leachate levels, and for further investigations. Also refer to 3.3.13 of AER.

Considered to be a category 3 breach of permit condition 3.6.1

Leachate levels

Though some exceedances of the 2.0 metre limit were recorded on a cellular basis; the overall control of leachate level is continuing to improve. Also refer to 4.2.27 of AER.

Considered to be a category 3 breach of permit condition 3.6.1

Volumes of leachate removed by tanker noted; further capping works are planned later this year.

Landfill Gas

Breach of methane level at GP05_20, GP09_18, GP018_18A, GP18_18B and GP18_18C.

In relation to GP09_18 series, preliminary investigations are now complete. NCC and Infinis to provide action plan for addressing lateral gas migration in this part of the site.

Considered to be a category 3 breach of permit condition 3.6.1**Particulate monitoring (asbestos cell)**

Particulate monitoring (for the period 01 Jan 21 to 30 June 21) received and reviewed. Results provided using reporting form 'Particulate1'. Individual monthly monitoring reports also provided.

Quarterly monitoring reports 2021

Surface water monitoring rounds 203 to 209 (for the period Jan 21 to Jul 21) received and reviewed. Parameters are within limits.

Landfill gas monitoring round 205 to 208 (for the period Jan 21 to Jun 21) received and reviewed. Reported results are within permitted limits except for GP09_18 series; see commentary with required action above.

Groundwater and Leachate monitoring 205 received and reviewed. Reported results are within limits except for Potassium and Ammoniacal Nitrogen in GW12_33. In this sample a concentration of 133mg/l of Potassium was recorded compared to a compliance limit of 55mg/l. This is the highest concentration of Potassium recorded at this well since commencement of monitoring. For Ammoniacal Nitrogen a concentration of 57.5mg/l was recorded against a compliance limit of 18mg/l.

Groundwater and Leachate monitoring 208 (for the period Jun 21) received and reviewed. Reported results are within limits except from GW12_33 where a concentration of 118mg/l of Potassium was recorded compared to a compliance limit of 55mg/l. This is a decrease in the concentration compared to the last monitoring round, when a concentration of 133mg/l was recorded. For Ammoniacal Nitrogen in GW12_33 a concentration of 52.5mg/l was recorded against a compliance limit of 18mg/l. This is also a slight decrease in the concentration of Ammoniacal Nitrogen compared to the last monitoring round, when a concentration of 57.5mg/l was recorded. See commentary and actions above in relation to AER.

Leachate levels reported to be below the permitted limit in 10/11 of the monitoring points.

For recent permit breaches, NCC have provided Schedule 5 Notifications.

Vibrating Wire Piezometers (Cells 2 - 4)

An annual review of vibrating wire piezometer data is required by tables S3.10 and S4.1 of the permit. NCC since advised that 3/14 of the instruments have been producing incorrect readings, and contacted the manufacturer in order to investigate further. A Technical Note was issued on 19th May 2021 with subsequent discussion. Hold periods and assumptions contained in the document noted. Readings may now be provided for two of the incorrect instruments.

NCC to provide an Interim monitoring report by the end of August.

Data will then be provided on an initial monthly basis (with a view to reducing to quarterly, then annually as part of the AER) going forward. The collected data will also be compared to the Stability Risk Assessment.

Separation bund topography and inclination (asbestos cell)

Discussed the requirements for monitoring the separation bund initially on Oct 20 and in our more recent meetings. Technical Note issued on 10th May 2021 with proposed works and measures. The cell is currently in abeyance whilst these works are under preparation, with tipping to recommence once a timetable has been firmly established. NCC confirmed that 2/5 inclinometers have now been installed. Please provide indicative date for the remaining 3 instruments and their specification (including manual or electronic reading, any link to GPS etc) with the proposed monitoring frequency as soon as practicable.

Please provide first monitoring report and assumptions within 8 weeks of commencing monitoring.

Waste Returns

Q1 and Q2 data received and reviewed.

Review of Improvement Conditions.

Outstanding items were discussed in recent meetings, also referring to CAR ID 0032962. Subsequent information has been provided by NCC.

Improvement condition 4 – completed. Baseline conditions established during monitoring rounds undertaken in 2015, refer to Tables 1 and 2 of report ref R001/054/15.

Improvement condition 5 – completed. We have received a CQA validation report for Cell3a.

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.