

Compliance Assessment Report CAR_NRW0038704

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: Site Inspection, Reason: Routine.

On 22/07/2021 between 10:00 and 13:00.

Parts of permit assessed: All

NRW Lead Officer: Richard Taylor.

Report sent to: Sharon Palmer, National Environmental Permitting Manager on 03/09/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor (Suspended)	Schedule 2

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

Total number of non-compliances recorded	Total non-compliance score
1	0

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
G1	Already in place	Already completed

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

Site Inspection –

Tarmac Hendy Quarry 22nd July 2021.

Permit EPR/KP3795FU

Present - Owen Llewellyn, (Tarmac); Sharon Palmer, (Tarmac); Richard Taylor (NRW).

Site Notes – Permit variation (V007) from May 2019 increased daily discharge from soakaway from 750m³/day and 25ltr/sec to 5000m³/day and 48ltr/sec.

Daily flow is recorded daily, averages of ltr/sec figures are calculated monthly. Suspended solids are limited to 100mg/l; Mineral Oil 5mg/l, and pH 6-9, monitored monthly. Soakaway results are reported quarterly.

Trigger levels for groundwater have been set for Chloride, Ammoniacal Nitrogen, Sulphate, Nickel, Cadmium and Napthalene in line with the LFTGN02, monitored quarterly, reported quarterly.

Landfill Gas is required to be monitored in accordance with an approved landfill gas management plan reported quarterly. Walkover surveys occur 6 monthly.

Annual input limited to 450,000 tonnes of inert material.

1.0 Covid 19 restrictions.

NRW Covid restrictions had been placed upon site inspections as well as site monitoring contractors for the period March 2020 – May 2021. A gradual lifting of the restrictions meant that site visits were again possible. As such, the site was inspected as soon as practicably possible. Covid 19 distancing measures were observed throughout the inspection.

2.0 Telemonitoring equipment.

This was discussed. Equipment had been delivered and was awaiting installation to enable the permit requirements of daily flow monitoring to be carried out via remote collection. This approach is accepted as long as the method is compliant with LFTGN02 'Monitoring of landfill leachate, groundwater, and surface water'. Section 9.5.5 of the document covers measurements of surface water flow where 'Discharges may be fitted with integrating flow meters, in which flow measurement consists of timed'. Therefore, the proposed introduction of remotely timed daily readings fits with the permit condition at S4.1 below.

3.0 Enhanced Monitoring

An enhanced monitoring approach was agreed with NRW Officers on 10th October 2017 where quarterly monitoring was to be replaced with monthly monitoring for Suspended Solids, pH, and Mineral oil, plus Ammoniacal Nitrogen and Chloride for groundwater. However there have been 2 permit variations with the latest. V007 dated May 2019 which did not introduce this as a permit requirement. The permit variation remains in place until varied further. This has monitoring requirements listed below under table S4.1. Additional monitoring is therefore not currently a permit requirement until the permit is varied but site can undergo enhanced monitoring in addition to the current permit requirements at their own choosing.

The October 2017 discussions also requested the site to carry out further checks to ascertain whether there were any new water features on the site (springs etc). **This remains a**

recommendation that site carry out this survey.

Current site monitoring requirements from EPR/KP3795FU/V007

Table S4.1 Point Source emissions to water (other than sewer) – emission limits and monitoring requirements

Emission point ref. & location	Parameter	Limit (incl. unit)	Monitoring frequency	Reference Period	Source	Monitoring standard or method
Discharge to soakaway at NGR ST 0538 8136	Volume	5000 m3/day	Daily	Spot Sample	Discharge from the Quarry	Monitoring to be carried out in accordance with Environment Agency Document LFTGN02 "Guidance on Monitoring of Landfill Leachate, Groundwater and Surface Water" unless otherwise agreed in writing with Natural Resources Wales
	Rate of discharge	58 l/s	Weekly			
	Suspended solids	100mg/l	Quarterly			
	Mineral Oil	5mg/l	Quarterly			
	pH	6-9	Quarterly			

Future site plans

Site plans to develop the current site into housing in future. To do this a further 150,000 tonnes of permitted material is needed to be imported to form a base.

Site were reminded that there needs to consider the aftercare phase of the site and that long-term monitoring will be required to ensure the site is stable before being allowed to be used for development. This is likely to take several years.

Also, the site would need to apply to surrender the current permit and apply to enter the aftercare phase through NRW permitting. This can be applied for when filling and other extraction works cease.

Under Article 13(d) of the Landfill Directive 1999/31/EC, the operator is responsible for monitoring landfill gas and leachate (where it exists) from the site and the groundwater in the vicinity of the site for as long as the competent authority considers that a landfill is likely to cause a hazard to the environment. Site were made aware of the likely slow pace of processing the application.

Specific guidance on how the site can apply for permit surrender can be found on the following link.

[how-to-surrender-your-environmental-permit.pdf \(cyfoethnaturiolcymru.gov.uk\)](https://www.naturalresourceswales.gov.uk/how-to-surrender-your-environmental-permit.pdf)

5.0 Actions from last CAR form Ref CAR_NRW0037725 sent to site 4th March 2021.

1. Reinstatement of downstream monitoring boreholes (GW) by 30/06/2021.

This has now been completed with the reinstallation of 2 downstream boreholes which were witness on the day of the inspection. PZ07 and PZ08 are the down gradient boreholes that have been replaced and reinstated.

2. Monitoring network reinstatement by 31/03/2021.

Monitoring at site resumed after Covid 19 restrictions in Q2 2021. Q2 data has been received. 14 out of 26 boreholes provided data. The others were either destroyed (x7), Unsafe (x2), or not in existence (x2), the one remainder – the 'sump' was not discharging in Q2. The data from Q2 is assessed below.

6.0 Four targets were identified for implementation in by the site in 2021.

1. Replace down gradient monitoring boreholes. **Now complete.**
2. Install a suitable meter to allow the monitoring of discharge flow rate and monitor on a weekly basis. **Due to be in place 1st Set – please inform NRW when complete.**
3. Take daily discharge readings. **Linked with above.**
4. Maintain access to all permit monitoring points. **Ongoing – reminder, site need to maintain access to all boreholes. Access must be attempted. Refused access needs to be reported. Permit breach scores will be applied if there is no attempt to access the boreholes for scheduled monitoring in accordance with the site permit.**

7.0 AOB's/ Current issues

- The CQA plan and report for the x2 boreholes, PZ07 and PZ08 were received in May 2021. **These were reviewed and accepted by NRW.**
- Distance monitoring (weekly) replaces daily monitoring on installation of the distance recorder – **inform NRW when this takes place.**
- Review the collection of samples system in place – ensure samples are not compromised through poor storage and transition. **Samples need to be kept at 5 deg C +/- 3 degrees to ensure they are not compromised** IAW M18 guidance at 5.5. Samples should be analysed within 24 hours of being taken and not longer than 48 hours.
- During the site visit the site Inspector RT mentioned a possible breach of permit limits for water quantities for Feb 2021. This was found to be incorrect as the figures were from an older version of the permit which was last varied in 2019 to increase the daily discharge limits to 5000m3 from 750m3.

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Review of Q1 and Q2 data

Q1 data was not taken or sent under a temporary exemption brought about the Covid 19 virus. Under NRW policy, this is scored as a breach of permit conditions, but no score is applied.

Non – compliance (non scoring) - 1 x Cat 3 – breach of permit schedule 2 for not carrying out quarterly samples in Q1 2021 due to Covid 19 effects.

Note – this was the situation with Q2, Q3, and Q4 from 2020.

Q2 Data received 27th July 2021.

All reported readings were within permit limits. Note, the discharge volume for May 10th, 2021 was recorded as 5781m³ but represents a total of the 10 preceding days. The daily average for this month was 712m³ which is below the permit limit of 5000m³ per day.

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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.