

Compliance Assessment Report

Report ID:
CAR_NRW0026321

This form will report compliance with your permit as determined by an NRW officer

Site	Aberthaw Quarry Ash Disposal Site EPR/BP3339BH	Permit Ref	BP3339BH			
Operator/Permit holder	RWE Generation UK plc					
Regime	Installations					
Date of assessment	25/07/2016	Time in	10:00	Out	12:00	
Assessment type	Site Inspection					
Parts of the permit assessed	Dust control, emissions					
Lead officer's name	Leakey, Antony					
Accompanied by						
Recipient's name/position	Amy Lavisher/ Regulation Section Head	Date issued	01/09/2016			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
C2 - General Management - Management system and operating procedures	C3	1.1.1(a)
E2 - Emissions - Land and groundwater	C4	3.2.3
E3 - Emissions - Surface water	C4	3.1.2
F3 - Amenity - Dust/fibres/particulates and litter	C3	3.3.1

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,
O = Ongoing non-compliance, not scored.

Number of breaches recorded	4	Total compliance score (see section 5 for scoring scheme)	8.2
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Aberthaw Quarry Landfill – site inspection 2016, Monitoring Reports Review

Site Inspection 2016

A planned inspection was carried out on 25/7/16 in order to investigate an off-site dust deposition episode that occurred on 11/7/16.

Examination of samples taken from a residence in Fonmon by RWE and NRW has indicated that a significant proportion of PFA was present in the dust collected and appeared to have been relatively freshly deposited.

The dust coverage was extensive on window sills and edges of roof glazing, but easily removed by brushing. There was no evidence of wider contamination. This suggests a category 3 incident classification.

Inspection of the activities carried out at the landfill on 11/7/16 showed that a large area on the South side of the quarry was being levelled at the final fill level after some over tipping had occurred due to incorrect height markers being set. The over tipping is not considered to be a key factor as presumably some degree of levelling and benching would be required in any case.

The work had taken place over a 2 week period while no PFA tipping was required due to limited power station operations. The work was undertaken using the procedure: Aberthaw Quarry Ash Disposal Site Working Plan, L.P. No: LP/OPS/3078.

The procedure requires weather conditions, including wind speed to be checked at the start of the working day (0700 hours) using the live weather data measured at the station site. If conditions pose a risk of dust blow then tipping is moved to a lower level in the quarry or short tipped at the station (not an option on 11/7/16) or tipping is suspended.

The site record sheet for the day shows a Westerly wind speed of 22 mph (9 m/s) and forecast as "dry".

Actual weather data was 20-22 mph, with recorded gusts of up to 36 mph (16 m/s) during the period 0650-0820 hours with further isolated gusts around 1220 hours.

Weather conditions during the previous week of work showed lower wind speeds, typically 8-15 mph with no gusting.

The landfill working procedure does not specify acceptable working limits for actual wind speed or gusting, nor does it require checks on wind conditions at intervals during the working day. There is also no explicit requirement to review the forecast, although the record sheet does include a field to record the forecast.

On 11 July the Quarry landfill manager noted high winds later in the day and checked on operations resulting in an immediate halt to works.

It is likely that the main off site dust impact occurred during the early part of the morning when operations first began during the peak of the gusting winds. Water cannon operating from the water bowser were in use to suppress dust but this appears to have been ineffective due to the continuous working of the PFA surface to achieve the required level.

Review of the site procedures for dust management in light of this incident indicates that the controls are ineffective in preventing off site impacts if the risks are not immediately apparent at the start of the working day. Review of weather conditions during the day may serve to limit impact but may be too late to prevent problems.

Formal use of weather forecasting as well as more rigorous review of weather conditions before and during the working day is likely to reduce the risk of off-site impacts.

On this basis the procedure is considered to be deficient and this is a breach of permit conditions 1.1.1(a) and 3.3.1, which require active management of impacts arising from permitted activities.

ACTION: RWE Generation to review dust management aspects of procedure LP/OPS/3078, including use of weather forecasting to determine tipping regime, adoption of wind speed thresholds in determining the tipping regime and review of weather during tipping. The outcome of the review and proposals to update the procedure shall be submitted to NRW in writing by 30 September 2016.

Other areas of the landfill had appropriate haul road damping and dust suppression sprays were in place in the main tipping area. The finished phase 3a and high level bench in phase 3b were treated with PVA.

No RWE operations were taking place at the time of the inspection.

It was noted that Phase 3a has been completed to final fill level but is not to be restored to final

surface pending the outcome of a planning application to increase the final fill level slightly and a decision regarding the need for this additional capacity. This should be reviewed and at least the sub-soil layer applied to reduce the need to maintain a PVA seal on this large surface area.

ACTION: RWE Generation to review the delay in restoration of phase 3a in view of potential for longer term dust control issues.

Noise impacts associated with white noise (low impact) reversing alarms were also reviewed in light of offsite disturbance during routine working hours. Alarms have been attenuated as low as safety considerations permit and operations limited to single vehicle in order to minimise nuisance. The underlying cause appears to be acoustic effects that result in projection of noise sources deep in the quarry over the surrounding bund. Increasing the bund height may be able to reduce this effect.

ACTION: RWE Generation to review options for reducing noise projection off-site, including an increase in perimeter bund height.

Monitoring reports

Six monthly and annual monitoring data (condition 4.2.1) for 2015 and H1 2016 have been reviewed and the following points noted:

Elevated molybdenum concentrations have continued in borehole E05/03 despite relocation of wheel wash drain pipework 10 months earlier. Elevated levels in the landfill underdrainage and settlement ponds tends to support the general leaching of molybdenum from the PFA. Lack of association with other PFA parameters may be due to differential rates of travel through the landfill mass and barrier.

Elevated ammonia levels are also a potential concern, although sufficient oxidation or stripping appears to take place by the time the discharge passes into the Lafarge Lagoon.

Monitoring data exceeding the compliance limits for relevant parameters during this period are considered to be no impact category 4 breaches of permit conditions 3.1.2 and 3.2.3 pending completion of the overdue permit and HRA review.

All landfill permits require 4 yearly hydrogeological risk assessment reviews in accordance with permit condition 3.2.4(b) and the issues arising from current monitoring trends will need to be addressed during this review.

The following action is required in order to progress the permit review:

ACTION: RWE Generation to undertake a detailed containment and attenuation design review, impact assessment and review of all elevated parameters in groundwater and surface water as part of the next hydrogeological risk assessment review.

END

EPR Compliance Assessment Report

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Operator/Permit holder	RWE Generation UK plc	Date	25/07/2016

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
E2	C4	HRA and permit review.	30/06/2017
E3	C4	HRA and permit review	30/06/2017
C2	C3	Update dust control procedure to include weather forecasting.	30/09/2016
F3	C3	Review and update dust control procedure to include weather forecasting.	30/09/2016

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.