

Compliance Assessment Report

Report ID:
CAR_NRW0031967

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	07/06/2017	Time in	10:00	Out	12:00	
Assessment type	Audit					
Parts of the permit assessed	Dust control, emissions					
Lead officer's name	Leakey, Antony					
Accompanied by	Harvey, Caitriona					
Recipient's name/position	Amy Lavisher/ Environmental Engineer	Date issued	03/08/2017			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. 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
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
C2 - General Management - Management system and operating procedures	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	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

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	2	Total compliance score (see section 5 for scoring scheme)	0.2
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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 2017, Monitoring Reports Review

Site Inspection 2017

A planned inspection was carried out on 7/6/17 in order to check surface conditions and availability of dust suppression equipment.

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.

All surfaces inspected were well sealed and vegetation established on some exposed slopes is helping to reduce erosion.

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

Phase 3a has been completed to final fill level but is not to be restored to final surface following approval of a planning application to increase the final fill level. A permit variation application will be required to allow use of the increased planning height, to enable an assessment of the increased source term for groundwater impacts and the potential for increased fugitive dust and noise emissions associated with the higher working level.

It is noted that phase 4 development may not be required if increased fill levels are permitted in phase 3a and 3b.

The landfill operating procedure LP/OPS/3078 has been updated to reflect the use of weather forecasting and increased review of conditions during tipping. It is noted that the wind speed thresholds at the different operating locations have not yet been identified and included in the procedure.

ACTION: RWE Generation to confirm wind speed operating thresholds for use during PFA tipping.

Monitoring reports

Six monthly and annual monitoring data (condition 4.2.1) for H2 2016 and H1 2017 have been reviewed and the following points noted:

Elevated molybdenum concentrations have continued in borehole E05/03 and the surface water monitoring locations. A review of molybdenum levels in the cement works water discharges is currently underway to establish the fate of this element.

Elevated ammonia levels continue to be reported in the settlement ponds, but do not impact the surface water lagoon significantly presumably due to stripping and oxidation prior to discharge.

Monitoring data exceeding the compliance limits for relevant parameters during this period will

continue to be 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. A scoping meeting is to be held shortly to start the HRA review process.

END

EPR Compliance Assessment Report

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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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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			
E3	C4	HRA and permit review.	31/03/2018
E2	C4	HRA and permit review.	31/03/2018

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 report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen 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.