

Compliance Assessment Report

Report ID:
CAR_NRW0032613

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

Site	Docksway Landfill	Permit Ref	DP3733BK		
Operator/Permit holder	Newport City Council				
Regime	Installations				
Date of assessment	15/12/2017	Time in	N/A	Out	N/A
Assessment type	Audit				
Parts of the permit assessed	Annual returns				
Lead officer's name	Willey, David				
Accompanied by					
Recipient's name/position	Jonathan Davey/ Landfill Manager	Date issued	15/12/2017		

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
E1 - Emissions - Air	C3	3.6.1
E2 - Emissions - Land and groundwater	C4	3.6.1
E5 - Emissions - Waste	C3	3.6.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	3.6.1

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)	12.1
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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

Docksway returns and annual report

Actions carried forward since last CAR Form issued on 13th January 2017

ACTION: Please could NCC confirm why TSS was not monitored in round 145 to 150?

ACTION: Please can you confirm whether this location is only monitored annually in line with the closure plan?

ACTION: Please could NCC confirm why TSS was not monitored in round 151.

Surface water returns

The only surface water monitoring required by the permit is at cell 3A in Area 2 referenced SWAsb in the monitoring returns.

Table S3.2 of the permit requires the monthly submission of monitoring at one location, SWAsb, for Suspended Solids, COD, Ammonical Nitrogen, pH, asbestos fibres and observation for oil and grease. The returns for rounds 156 have data for this location but not for all the parameters as defined in the permit.

Considered a category 3 breach of permit condition 3.6.1 where monitoring has not been undertaken for the stated pollutants.

ACTION: Please submit the monthly monitoring in line with the requirements of the permit for Area 2.

A letter was received from Peter Brett Associates LLP in April 2017 requesting that the submission of the annual environmental performance reports be changed from an annual submission to a five-yearly submission. Monitoring will remain in line with requirements of the closure plan with any exceedances or any abnormal trending will be reported to NRW.

The Area 1 closure plan dated Feb 2013 Ref: DW13-CP01 requires annual monitoring for groundwater, leachate and surface water as specified in Table3.1d.

ACTION: NRW to consider this request and respond to NCC.

Surface water returns have been submitted for rounds 152 – 160. The permit for Area 2 only requires surface water monitoring at SWasb whilst the closure plan only requires monitoring annually. The limits set out in the discharge consents for SW25 and SW26 have been met. The discharge consents for SW25 (AN0394301) and SW26 (AN0401301) require annual monitoring as part of the discharge consent requirements.

ACTION: NCC to check data entry for dissolved oxygen during the monitoring round 158 and 159. At SW1A, SW23 and SW24 the values are the same for both rounds.

Groundwater returns

The following groundwater returns have been received by NRW with associated comments:

Round 154 – No exceedances of the permitted limits.

Round 157 – No exceedances of the permitted limits.

Round 160 – Breach of the potassium limit at borehole location GW07_40 of 54.1ug/l against the limit of 45ug/l. **Considered a category 4 breach of permit condition 3.6.1.** The operator has stated that this will be reviewed following the next round of monitoring.

ACTION: NCC to confirm the compliance limits for the replacement monitoring wells GW12_30, GW12_33 and GW12_38.

Leachate monitoring

Leachate monitoring was not undertaken between April 2016 and March 2017 due to accessibility issues whilst capping works was being undertaken. Monitoring undertake since the capping has seen LF08_07, C1A, C1B, C1D, C2A, come back into compliance with the 2-metre permit limit. This is the first time since before 2010 and due to the capping works that have been undertaken.

C2B however remains above the leachate head limit. **Considered a category 3 breach of permit condition 3.6.1.**

Leachate removal

Leachate removed from site has started to indicate a reduction, this will become clearer with 2017 submissions.

Gas monitoring

The following gas monitoring returns have been received by NRW with associated comments:

Round 152 – Breach of methane limit at GP03_06, GP09_18 and GP05_20

Round 153 – Breach of methane limit at GP09_18

Round 154 – Breach of methane limit at GP09_18

Round 155 - Breach of methane limit at GP09_18 and GP05_20

Round 156 - Breach of methane limit at GP09_18 and GP03_06

Round 157 - Breach of methane limit at GP09_18 and GP03_06

Round 158 - Breach of methane limit at GP09_18 and GP03_06

Round 159 - Breach of methane limit at GP09_18 and GP03_06

Round 160 - Breach of methane limit at GP09_18.

Considered a category 4 breach of permit condition 3.6.1.

It is not clear why there are continued exceedances of the methane trigger limit at GP09_18 and GP03_06.

ACTION: NCC to continue to monitor and investigate the reasons for these exceedances.

Other monitoring requirements

ACTION: Please could you confirm the dates for submission of the following permit requirements:

- Landfill gas from capped surfaces as set out in Table S3.5 required annually.
- Particulate matter in ambient air as set out in Table S3.8 required six monthly.
- Asbestos cell stability as set out in Table S3.9 required six monthly.
- Process monitoring requirements as set out in table S3.10 required annually.

Annual report

The annual report was submitted as required by condition 4.2.2 of the permit. Monitoring returns were discussed as above as well as the performance parameters.

The total amount of landfill gas treated by the flare and engine in 2016 increased by 800510 m³/hr compared to 2015 and has led to an increase in electricity generated by 473MWh. This could have been reflected in more power generated had there not been an increase in downtime of the gas engine.

Waste returns

Waste returns for the period October to December 2016, January to March, April to June and July to September 2017 have been received by NRW for the permit EPR/NP3199FM and

EPR/DP3733BK.

Following advice from NRW NCC are submitting three sets of waste returns, one for the HWRC permit number EPR/NP3199FM and two for the landfill site that include the non-hazardous waste and the hazardous waste.

The waste returns reflect these exchanges where in Q4 there were two returns submitted reflecting activities at both the landfill and the HWRC. The permit EPR/NP3199FM now reflects the activities of the waste transfer station and the subsequent waste sent to the Cardiff Energy Recovery Facility.

ACTION: NCC to confirm how the waste sent from the HWRC to the landfill is accounted for in the waste returns.

The hazardous waste returns show the first asbestos waste was received on the 5th September 2016. In the Q2 returns asbestos material was recorded and marked as hazardous on the returns whereas the Q3 return has the asbestos waste as being non-hazardous.

ACTION: Please submit this return with the asbestos waste marked as hazardous.

Household Waste Recycling Centre

An unannounced visit on the 5th December 2017 found the HWRC site to be very clean and organised. In addition, the tipping areas were all well labelled with advice provided by staff.

Ongoing work

NRW are in the process of scrutinising data obtained pre-and post-capping. In addition, data received from the gas compound will help demonstrate the improved gas capture and utilisation. This work will help demonstrate the reduction in the release of greenhouse gases from the site.

END

EPR Compliance Assessment Report

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Operator/Permit holder	Newport City Council	Date	15/12/2017

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.

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	Check compliance at the next round of monitoring	30/03/2018
G1	C3	Ensure monitoring is submitted in line with the permit requirements	30/03/2018
E1	C3	Investigate and plan to bring these locations back into compliance	30/03/2018
E5	C3	Continue to improve infrastructure on site and bring C2B into compliance	30/03/2018

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.