Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0026629

This form will report compliance with your permit as determined by an NRW officer					
Site	Palleg Landfill Phase II EPR/BT1908IX	Permit Ref	BT1908IX		
Operator/Permit holder	JLA Disposal Limited				
Regime	Installations				
Date of assessment	02/02/2017	Time in	11:00	Out	14:00
Assessment type	Report/Data Review				
Parts of the permit assessed	See below				
Lead officer's name	Ward, Tyrone				
Accompanied by	Haf Peskett				
Recipient's name/position	John Adams/ Director	Date issued	22/05/2017		

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
A1 - Specified by permit	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	C3	2.7.3
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	2.3.1, Table 1.2
C2 - General Management - Management system and operating procedures	C4	2.3.1
C3 - General Management - Materials acceptance	A	
D1 - Incident Management - Site security	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
F5 - Amenity - Deposits on road	A	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4	3.6.1
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	2.7.3

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	5	Total compliance score (see section 5 for scoring scheme)	12.2

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

Monitoring data

Q3 monitoring data received and reviewed for Leachate, Groundwater and Landfill gas.

Noted that GW5, GA7 & GA9 were not available for sampling due to work being carried out on site.

Groundwater - no breaches reported.

Leachate level - **Action JLA** confirm that the level has been compliant for the reporting periods this year e.g. by use of level sensor with no malfunctions. Volumes removed by tanker provided as part of waste return.

Landfill gas - breach reported in perimeter monitoring points GA8. Sch6 notification provided, considered CCS4.

Waste returns

Q3 and Q4 data received and reviewed.

CQA Sub cell 5 (Report Numbers 1533r1v1d0116 and 1533r2v1d0116)

Geotechnology have confirmed there has been no change in the CQAP and Design Specification from the previously approved documents. NRW are therefore satisfied with the proposals.

The priority for JLA going forward will be for general cell re-profiling and height reduction as soon as weather and site conditions allow (please refer to comments below)

Site Inspection 2nd Feb

Sub-cell 5 has now been constructed. We discussed the CQA validation report which was provided by Geotechnology prior to the inspection. Geotechnology advised on the (20/40mm) LDB stone passing through sieve as being a visual point of note. We also discussed the extent of the 100mm thick blinding layer.

Due to operational restrictions however JLA had already started placing waste in the cell without notifying, or having confirmation that NRW is satisfied with the CQA Validation Report.

We hope that the validation reporting will be compliant as waste is already being accepted within the cell prior to approval of the validation.

This is a permit breach of the following condition, in addition to failing to notify the regulator. Both breaches are considered CCS3 in first instance.

2.7.3 No disposal of waste shall take place in a new cell until the operator has submitted a CQA Validation Report and the Agency has confirmed that it is satisfied with the CQA Validation Report.

We discussed the validation report and Geotechnology assured that the cell has been constructed to a satisfactorily standard without non-conformances. Based on these details NRW will review the report at earliest opportunity.

The main access to the cell is across sub cell 2. Should we be satisfied, then JLA agreed to carefully **remove the excess waste from sub cells 3 and 4 immediately**, whilst having regard to H&S.

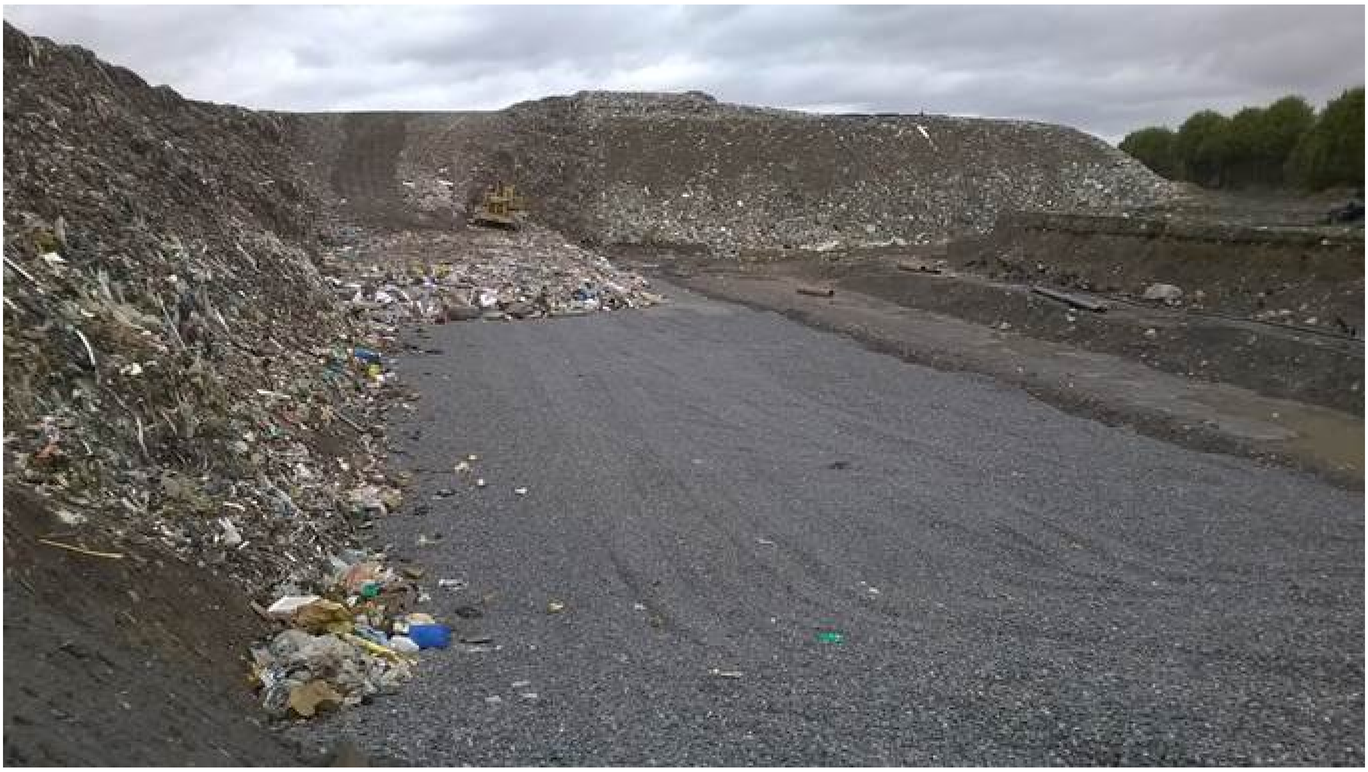

Photo 1 showing tipping access from cell2 to sub cell 5. Note excess wastes from cells 3 and 4 to be moved immediately.

We then discussed the plastic fraction in the fill which is supporting the steep gradients by acting as a geogrid.

JLA to maintain a 1m standoff to the separation bund (right hand side photo1)

As part of the work, sub cell 4 in-waste gas well to be located and confirmed.

We inspected the Valley in fill progress, including raising of monitoring point headworks and the leachate riser. At the southern end of the feature, tension cracks were observed in the material, along with channel erosion with silt and suspended solids potentially entering the adjacent stream below. We discussed options including regrading the unstable material, plus provision for damming and blocks to reduce discharge of solids. ~~Action JLA to provide details to NRW and confirm this work has been completed by (2 WEEKS)~~ **Completed;** though further improvements are required; see inspection follow up 27th April.

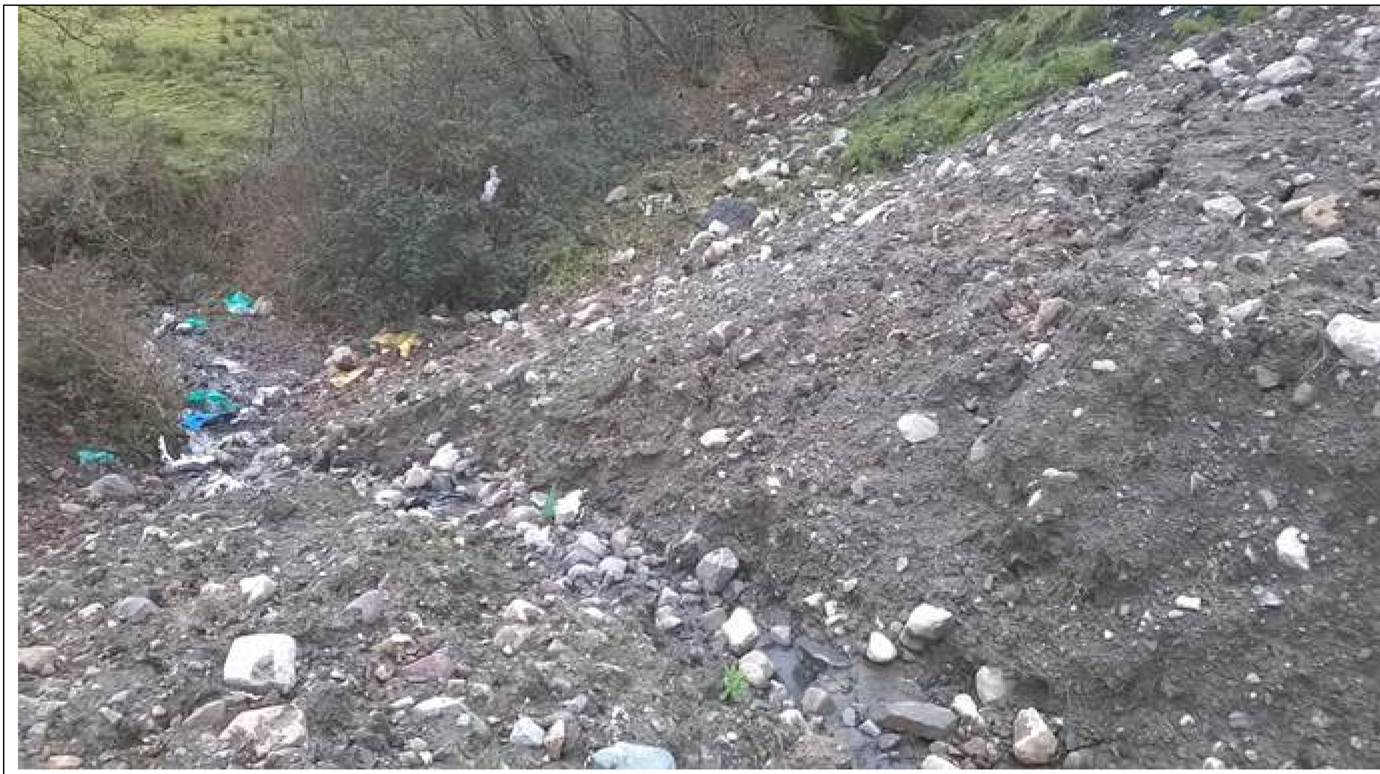

Photo 2 showing tension cracks, silt channel and loose litter above stream

Please arrange for retrieval of the wind-blown litter observed in the ditch above the stream as soon as practicable (see photos below)

Review of Summer Construction Plan – work has only partly been done. During the inspection JLA agreed to carry out cell1 restoration to enable a spring seeding; part of the work will also include completing the perimeter access track (approximately 50m section) Noted restoration of completed areas is also a main focus for the LPA.

Cell4 intermediate cover to be improved once excess waste has been carefully moved to sub cell5. Areas of the south flank where the cover is sparse (or entirely absent) are considered to be non-compliant. Given the geogrid properties of the plastic with minimum settlement potential (reduced biodegradable fraction) we then discussed placement of the final regulating layer on flank as an option instead. **Action JLA to consider benefits of doing this work at same time as Cell1 further.**

Update on SWMS - JLA reported that some positive results have been achieved using the hydroblox, and a clear sample was provided. However the current system needs upgrading in order to work correctly. Specifically, Geotechnology's recommendations should be taken on board to:-

- Install pipe-work of a specified diameter across the balancing lagoons in order for them to retain water;
- Improve construction and stability of the settlement lagoon bund headwall containing the outfall pipes to the hydroblox, so that *an even flow* is ensured (e.g. we discussed replacing the mineral bund with a block work / concrete structure.)
- It is considered that by doing this will improve the quality of the discharge whilst at minimal cost to operator.

During the inspection, only ¼ of the hydroblox were in use and this block required cleaning. As a result the southern ditch was noted to be high in solids and would be in breach of any EPR permit limit. ~~Action JLA to upgrade SWMS as agreed as a matter of urgency, and confirm to NRW that this work has been completed by (4 WEEKS)~~ **Completed;** though further improvements are required; see inspection follow up 27th April.

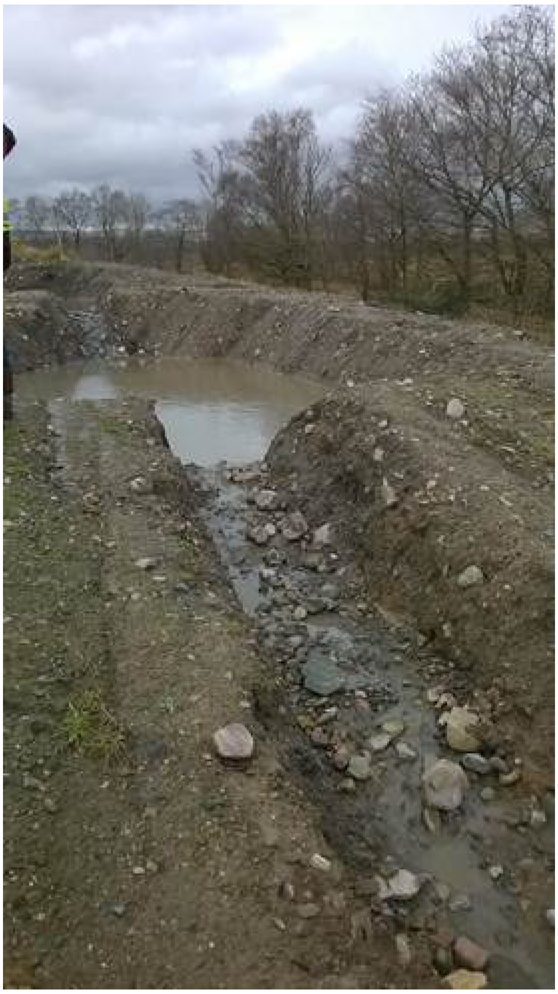

Photo 3 showing unlined channel (design to be improved) accross balancing lagoons.

Photo 4 showing outfall pipes to the Hydroblox, with only the far block in use. The bund headwall construction requires immediate improvement so all four outfall pipes are providing an even flow.

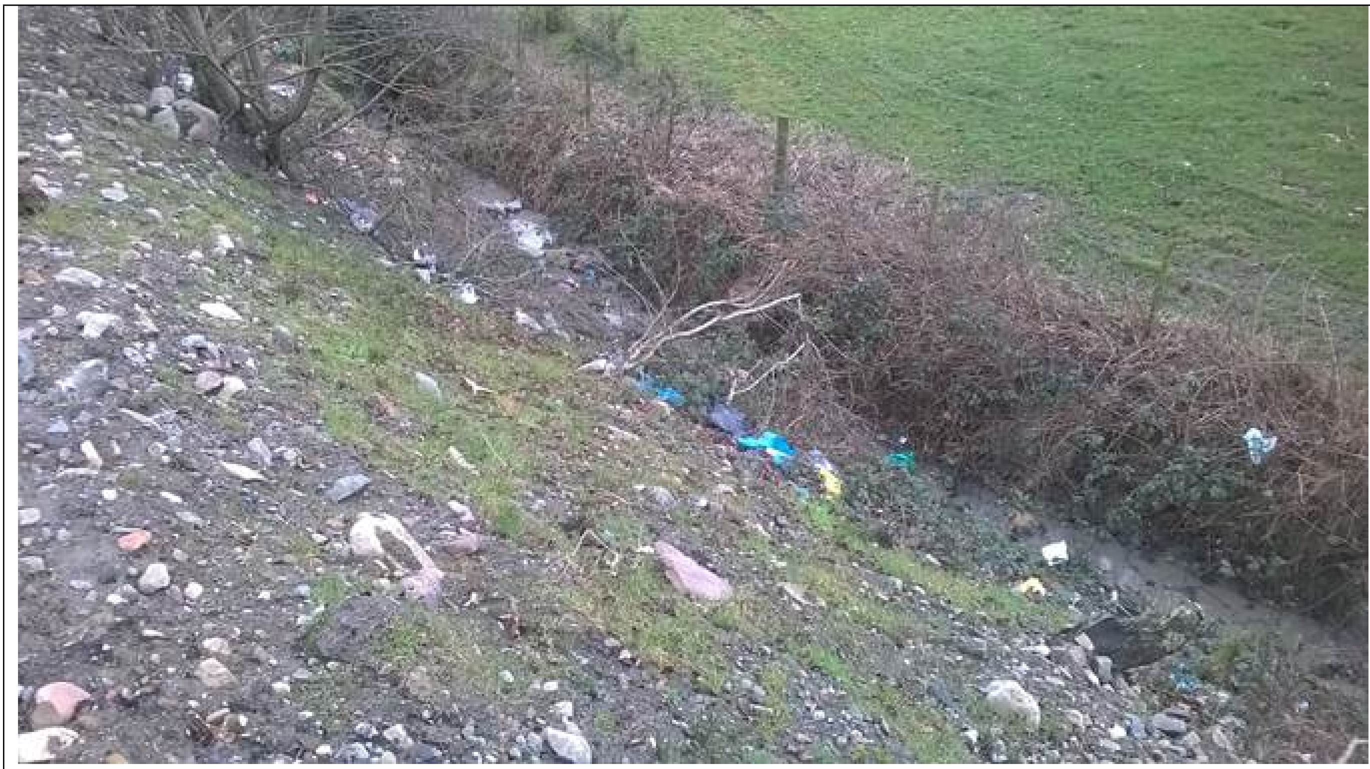

Photo 5 showing resultant high suspended solids in the stream (collected site surface water all passing through a single hydroblock shown in photo 4, and which required urgent cleaning). Note also wind-blown litter

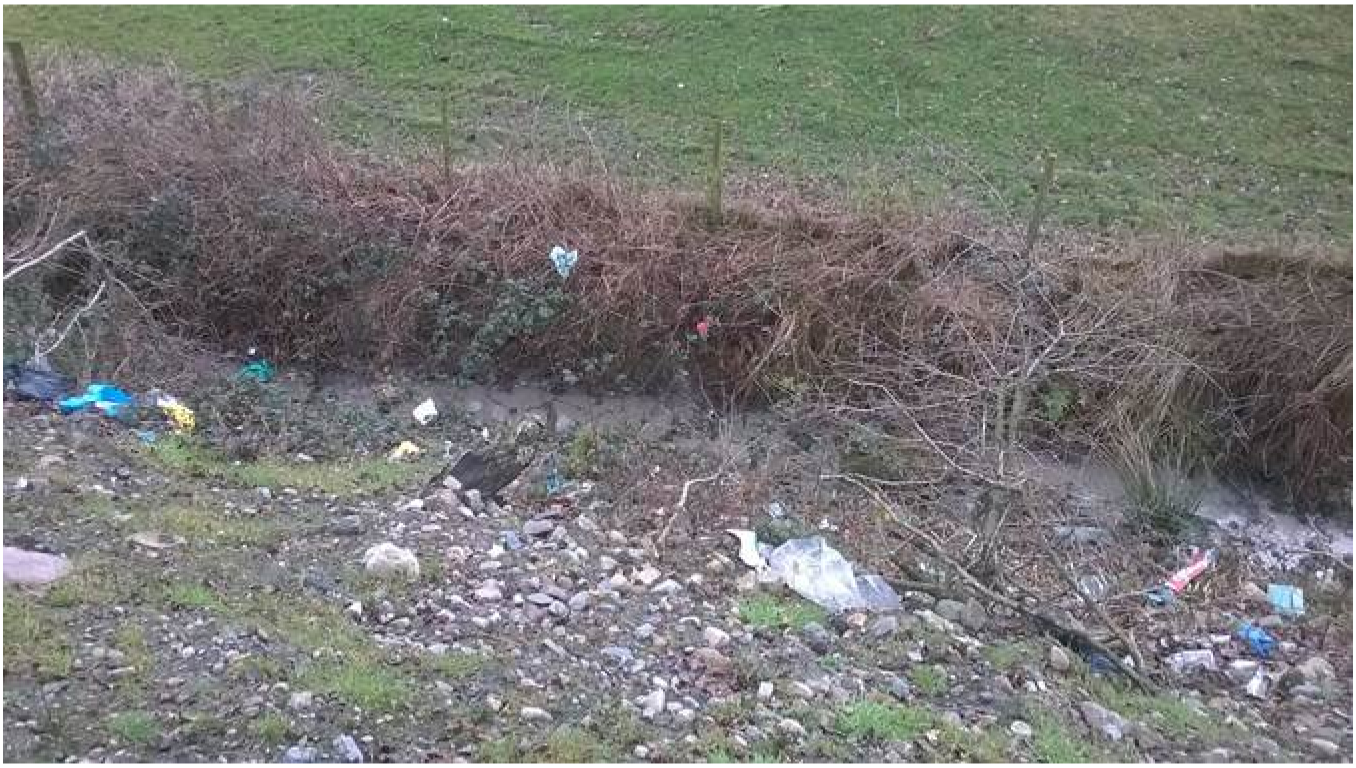

Photo 6 showing further solids in the stream and litter.

JLA demonstrated the use of thermal imaging from camera as means of detecting 'hot spots' and fugitive emissions from waste.

No off-site odour detected during time of inspection.

Annual Report 2016

Annual Report (Ref 1553r1v1d0117) received and reviewed. This also covers Q4 period:-

Section 5.5 Actions noted in relation to monitoring points.

Section 5.7.1 - **JLA to confirm leachate levels wrt permit compliance limit** e.g. by use of level sensor. This should also be provided routinely, as part of the quarterly reporting.

Section 12 Summary and Recommendations - 12.2 Actions noted and agreed.

<u>Inspection follow up 27th April</u>

Inspection of SWMS revealed limited progress since the last visit. The four outfall pipes from the settlement lagoon to the hydroblox are not level, and set in a temporary clay bund which will be subject to settlement/movement. In order to manage suspended solids in the quality of discharge requires urgent attention. Discussed how to ensure the pipes are level whilst setting them (in concrete) into a shutter box/gabion basket design.

The current arrangement of the 2 balancing lagoons also needs fine tuning, and one solution discussed could be to re-set the 6 inch pipes to lower depths and with stop ends so that water can be controlled and is retained for longer, in what would better be described as holding lagoons. **Action** JLA / Geotechnology to confirm what improvements will be made by 5th June.

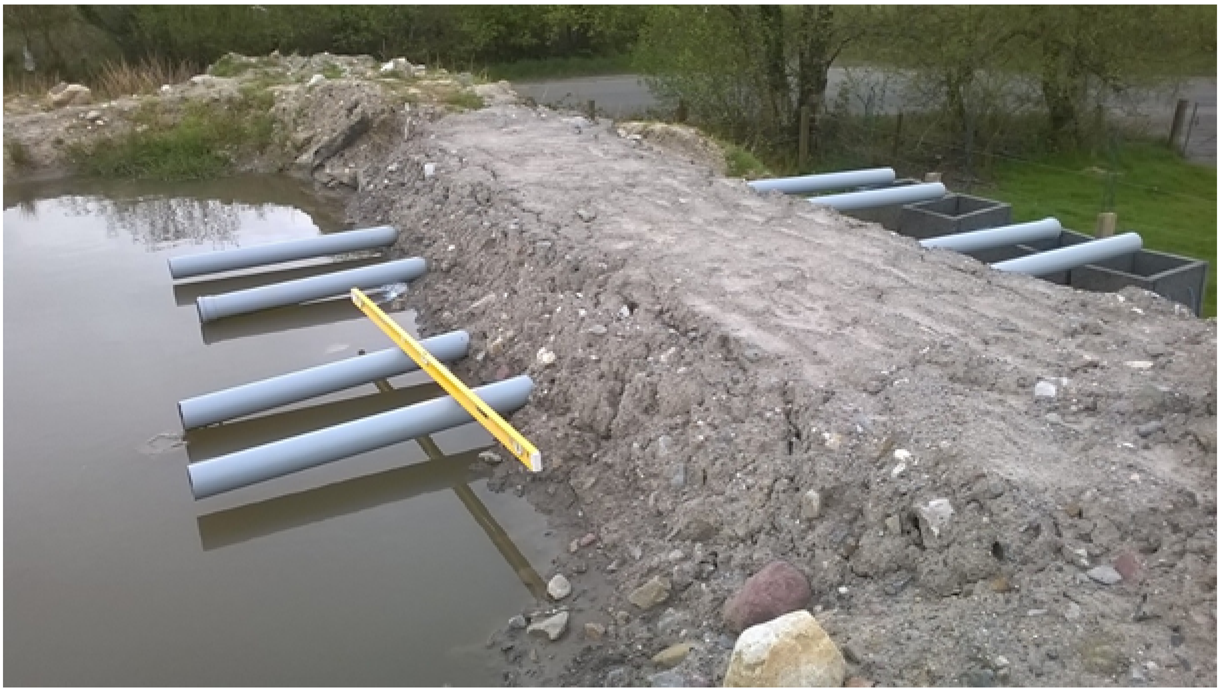

Photo 1 showing outfall pipes to the Hydroblox, which are not level. This design requires improving so that all four outfall pipes are stable, and can provide an even flow.

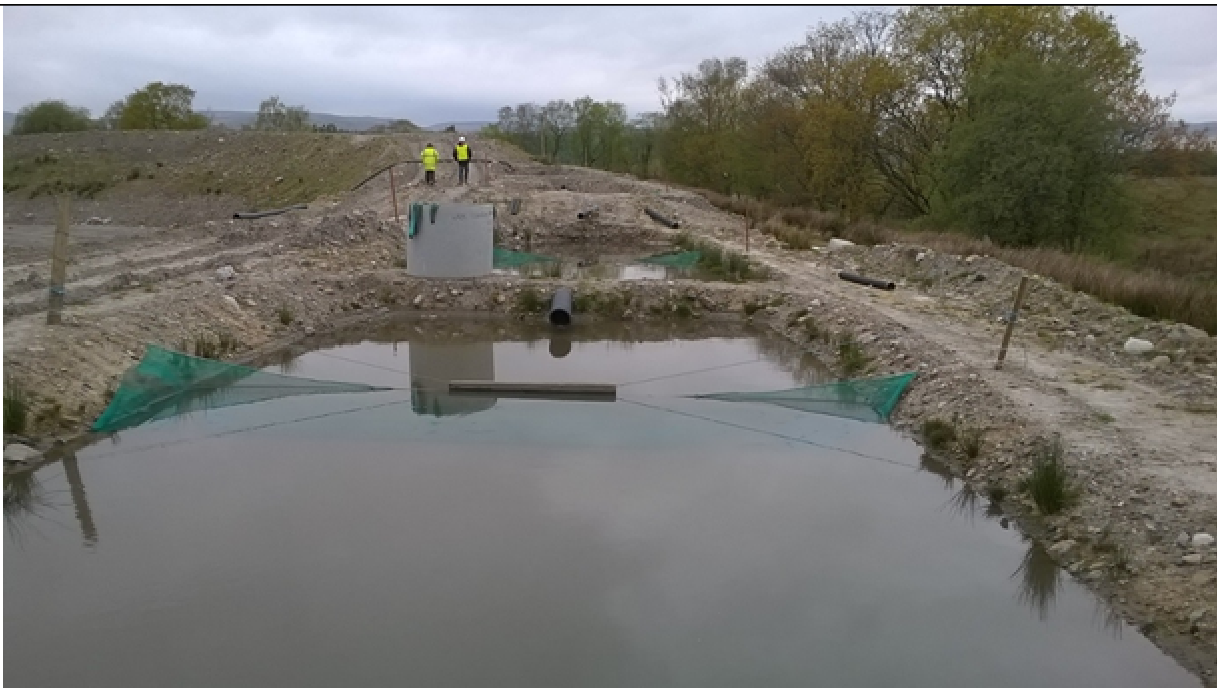

Photo 2 showing pipe positions between holding and settlement lagoons.

Again windblown litter was observed along the length of the southern perimeter flanks and in the stream this needs to be removed as soon as practical.

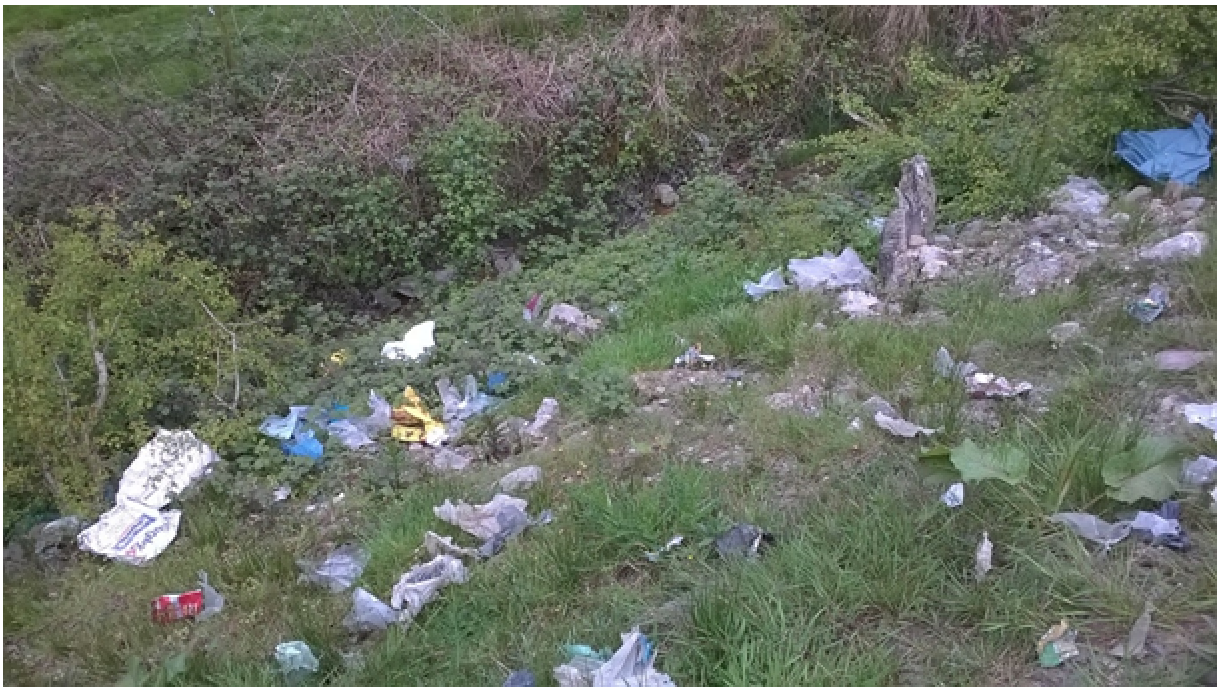

Photo 3 showing solids deposition in the stream and extensive wind-blown litter.

Inspection of valley infill feature also revealed improvements needed in SW management. Again, the size of the outfall pipe diameter, and the sump's ability to hold water allowing good sedimentation. Inspection of the stream at the bottom of flank revealed numerous bricks / cobbles and deposition of solids. These solids would not meet any permitted limit and is considered a non –compliance (permit condition 2.3.1 and Table 1.2). We discussed increasing the area of the sump and replacing the pipe with a smaller diameter, so that collected water can be held longer (allowing sedimentation) and flow is better controlled. **Action** JLA / Geotechnology to confirm what improvement will be made by 5th June.

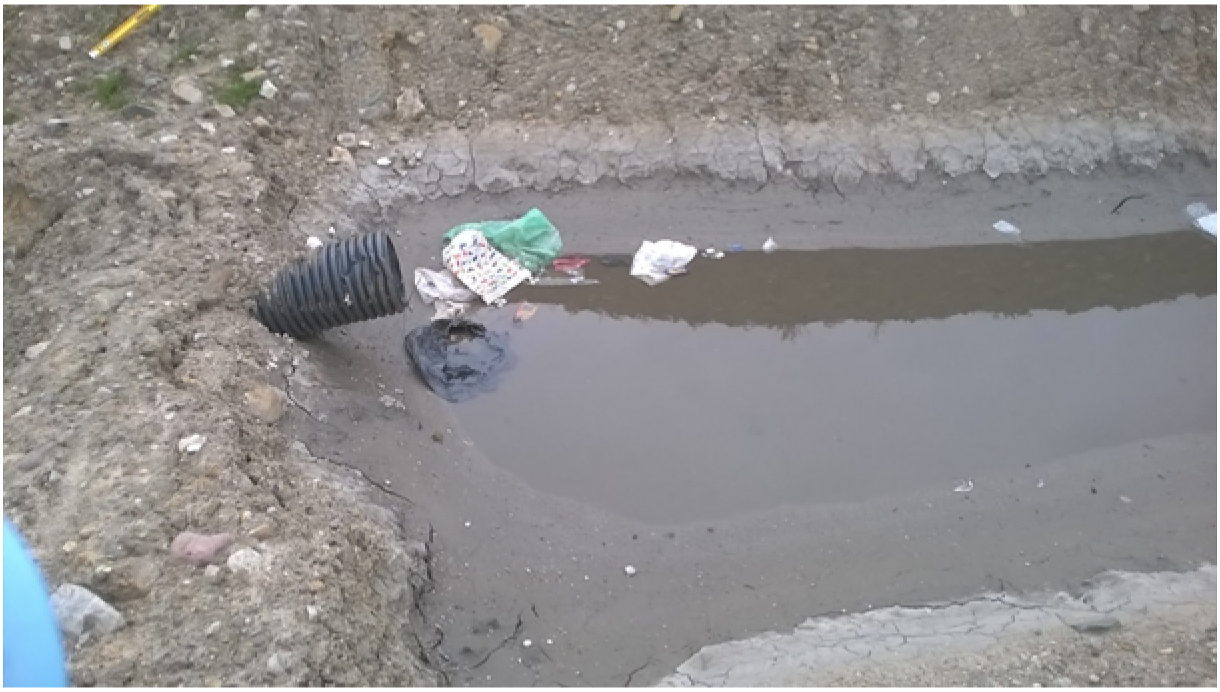

Photo 4 showing temporary sump for valley infill. Note that some sedimentation is taking place, however further improvements can be made fairly easily.

Raising of groundwater monitoring point headworks is progressing, though attention is drawn to provision of the engineered ramp needed for extending the leachate risers. **It is important that this is not overlooked**.

Random inspection of perimeter gas/groundwater monitoring points.

On the landfill, tipping progressing in sub cell5. However, some actions from last summer's construction plan and visit on 2nd Feb still outstanding. Specifically:-

1. Restoration and seeding of sub cell 1
2. Excess waste which is placed on top of sub cells 1 to 3 – allowing for access to new cell 5 across cell 2, need to place the excess from cells 1 and 3 into operational area.
3. Excess waste (~2m) placed on top of sub cell 4 and slope angles – need to place the excess in the operational area and re-profile some of the flank.
4. Placement of temporary cover to south flank of sub cell 4 - Site conditions have been dry and favourable to work the clay material.
5. Completion of 50m perimeter access track adjacent to cell1 –still outstanding.

Several parts of the landform now out of compliance and a separate meeting will be required to resolve.

Slight landfill gas odour detected outside the south east boundary, considered no impact.

Construction of Sub cell 5 – minor queries being considered by Geotechnology, please provide response by 5th June.

Waste returns

Q1 data received and reviewed.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0026629**

This form will report compliance with your permit as determined by an NRW officer			
Site	Palleg Landfill Phase II EPR/BT1908IX	Permit Ref	BT1908IX
Operator/Permit holder	JLA Disposal Limited	Date	02/02/2017

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.
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			
G1	C4	See Sch6	30/11/2016
B1	C3	See form	28/02/2017
G4	C3	JLA to improve notification procedure	28/02/2017
B3	C3	See CAR text with dates	31/05/2017
C2	C4	see CAR text	31/03/2017

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.