

## Compliance Assessment Report

**Report ID:**  
**CAR\_NRW0026300**

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

|                              |                                                      |                |            |     |       |  |
|------------------------------|------------------------------------------------------|----------------|------------|-----|-------|--|
| Site                         | Lamby Way Landfill Site<br>EPR/JP3239ST              | Permit Ref     | JP3239ST   |     |       |  |
| Operator/Permit holder       | The County Council of the City and County of cardiff |                |            |     |       |  |
| Regime                       | Installations                                        |                |            |     |       |  |
| Date of assessment           | 22/09/2016                                           | Time in        | 10:00      | Out | 13:00 |  |
| Assessment type              | Check Monitoring/Sampling                            |                |            |     |       |  |
| Parts of the permit assessed | See below                                            |                |            |     |       |  |
| Lead officer's name          | Ward, Tyrone                                         |                |            |     |       |  |
| Accompanied by               | Drayton, Caroline,Peter Stanley,Haf Peskett          |                |            |     |       |  |
| Recipient's name/position    | Gareth Ffoulkes/ Landfill and Aftercare<br>Manager   | Date<br>issued | 08/05/2017 |     |       |  |

### 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                                      | A            |                       |
| C3 - General Management - Materials acceptance                                                                 | X            |                       |
| D1 - Incident Management - Site security                                                                       | A            |                       |
| E5 - Emissions - Waste                                                                                         | 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               | C3           | 2.9.1                 |
| 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           | 3.2.3                 |

**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.

|                                    |          |                                                                     |          |
|------------------------------------|----------|---------------------------------------------------------------------|----------|
| <b>Number of breaches recorded</b> | <b>2</b> | <b>Total compliance score</b><br>(see section 5 for scoring scheme) | <b>8</b> |
|------------------------------------|----------|---------------------------------------------------------------------|----------|

**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**

Q2 monitoring data received and reviewed:-

Leachate levels – condition 2.9.1, table S4.1 - Leachate heads reported to be at or close to permitted level of 1.0m in LWEE, with mean level approx 1.5m. Leachate heads reported to be at or close to permitted level of 2.0m in LWS, with mean level approx. 2.4m. Considered CCS3 minor impact.

Surface water – condition 3.1.2, table S4.2 Elevated levels historically recorded in relation to LWS discharges to Severn Estuary, no new non-compliances.

Sewer - condition 3.1.2, table S4.3 - no breach of daily limits.

Groundwater – condition 3.2.3, table S4.4 Elevated levels of NH3 and Ni continue to be recorded in several monitoring points down gradient of LWS. Refer to HRA.

**CC to confirm whether** June Cd values of C10 1.45ug/l, C14 1.69ug/l. C16 1.62ug/l are correct or re-sample as required.

CC/NRW have agreed the HRA Review and compliance limits, Submission of incorrect TLs for NH4 previously considered CCS4.

Perimeter landfill gas - condition 3.3.5, table S4.5 no breach of methane limits.

Q3 monitoring data received and reviewed:-

Leachate levels – condition 2.9.1, table S4.1 - Leachate heads reported to be at or close to permitted level of 1.0m in LWEE, with mean level approx 1.5m. Leachate heads reported to be at or close to permitted level of 2.0m in LWS, with mean level approx. 2.4m. Considered CCS3 minor impact.

Surface water – condition 3.1.2, table S4.2 Elevated levels historically recorded in relation to LWS discharges to Severn Estuary, no new non-compliances.

Sewer - condition 3.1.2, table S4.3 - no breach of daily limits.

Groundwater – condition 3.2.3, table S4.4 Elevated levels of NH3 and Ni continue to be recorded in several monitoring points down gradient of LWS. Refer to HRA.

**CC to confirm whether** Sept Cd value of up-gradient C1 4.65ug/l is correct, and re-sample as required.

CC/NRW have agreed the HRA Review and compliance limits, continued submission of incorrect

TLs for NH4 considered CCS3. A hard copy of limits provided to GF during site inspection 13th Dec.

NRW advised on 13th Dec that the next HRA review may be postponed and will look at part of overall assessment of site closure.

Perimeter landfill gas - condition 3.3.5, table S4.5 no breach of methane limits.

### **Site meeting and inspection 22nd Sept**

#### **Update on slip repair**

Stage I short term measures have been completed. Atkins went through the detail and answered questions including the next Stage II. These are considered as temporary until longer term measures can be put into place, as required.

We are content with proposal for the slip remediation and await Atkins to provide as built detail of Stage I and finalise proposals for the next in river Stage II remediation works at the toe of the slope and submit a Marine Licence application. It is also appreciated that the process will evolve; reacting to events, tides, daylight, rainfall etc. for access and that Cardiff CC will LIDAR survey the slip area on a minimum of a monthly basis and report quarterly (as part of landfill monitoring data) or when excessive movement is observed.

We also discussed long term protection measures being incorporated into the LA financial provision agreement.

On 13th Dec CC advised that Stage 1 measures are working well.

#### **Capping works**

These are being completed on a phased approach. Several large soil and clay stockpiles on-site. Discussion on CQA Plan outstanding queries, and provision of agreed document. CC to also speak to MM re: FTP access. TW to speak to ICT re: managing large file sizes.

Inspection of Cell4/5 capping area. The regulating layer looked to be of two principal types, one a moist cohesive clayey material that was ideal for a regulating layer and a second that was predominantly a dry silty sandy and occasionally comprising rounded cobbles. With the use of a lower geotextile, both are considered suitable.

To the western extent of the proposed capping, the adjacent phase cap was exposed by a trench running contra contour. This was excavated by machine and the operator had not apparently taken due diligence as there were a number of cap penetrations observed. This will require CQAI attention to address integrity along this area.



The storage area for rolls of geomembrane capping and geotextile was observed in an area to the west, near the former storage area for recyclables. A hard concrete base was observed being used, however the area hadn't been swept clean and the recyclate present could impact product integrity. Please ensure storage areas are cleaned prior to placement of new deliveries or use alternative protection measures such as surplus pozidrain laid on the concrete base.



During discussion it was evident that a spreader bar wasn't available for use when handling rolls. Please adhere to best practice when handling rolls following delivery and avoid using the slings as this can cause extension of the product at the centre of the rolls thus impacting tensile properties.

**Action CC/MM to provide CV for CQAIs**

Update 13th Dec - capping work has now been suspended until next spring, due to wet site conditions and requirement to achieve suitable falls for drainage etc.

**Relocation of HHW site and permanent car park** - update provided by CC, with preliminary works started.

**Solar Farm** – discussion on tariffs and re-tendering process. Work is unlikely to commence in near future.

**HRA Review** – TW to speak to MD re estimated costs for consultant attendance pre-meeting. We agreed on 11th Oct that the Review can be delayed until next year, so that it can be considered as part of the overall closure process (including monitoring frequencies and determinands)

**LTP** – pump replacement works are complete with maintenance schedules brought forward. Plant is running well and no problems recorded.

**‘Black water’ ditch** –we inspected the perimeter ditch outside of landfill at far south end of the site. Water again showed high turbidity, and CC’s second round of sampling results were provided. High levels of ammoniacal N recorded. TW to speak to NRM team for advice. Investigation ongoing into S-P-R.

Update - On 13<sup>th</sup> Dec NRW took an informal water sample of the drainage lagoon for full suite of determinands (GCMS analysis) **CC will also arrange for** a full suite of associated leachate analysis (hazardous substances and non-hazardous pollutants) as part of the January sampling round. **CC to also review** local site knowledge and historical records/plans of the drainage pond, for other potential inlet pipes etc.

During the visit we looked at the location of GW2. Groundwater levels are reported to be lower than the adjacent drainage pond, and the groundwater does not appear to be impacted by high levels of ammoniacal nitrogen which may suggest a shallow influence.

**CL:AIRE CoP declaration** (for restoration soils as part of above capping works)

We discussed on 13th Dec that as there are already suitable permissions in place allowing restoration of the landfill (an EPR permit and planning) CC to clarify the application for CL:AIRE (We also discussed how HMRC have an exemption for restoration soils)

**TFS** – CC confirmed that no waste has been imported or exported under the landfill permit.

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0026300**

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

|                        |                                                         |            |            |
|------------------------|---------------------------------------------------------|------------|------------|
| Site                   | Lamby Way Landfill Site<br>EPR/JP3239ST                 | Permit Ref | JP3239ST   |
| Operator/Permit holder | The County Council of the City<br>and County of cardiff | Date       | 22/09/2016 |

### 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.

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                  | C3           | See previous                            | 31/08/2016 |
| C3                  | X            | See accompanying text                   | 04/10/2016 |
| G4                  | C3           | Improve reporting to include agreed TLs | 31/01/2017 |

## 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](mailto: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.