

	EPR Compliance Assessment Report	Report ID: 1131010/ EAWML34003
This form will report compliance with your permit as determined by an NRW officer		
Site	Crymlyn Tip, Former BP Llandarcy Site	Permit Ref EAWML 34001
Operator/ Permit holder	St Modwen Developments Limited	
Date	10 October 2013	Time in 10:00 Out 12:45
What parts of the permit were assessed	Compliance visit of landfill, random surface emission check, visual inspection of some gas monitoring points and general permit compliance	
Assessment	Site Inspection/ Check Monitoring	EPR Activity: Installation Waste Op x Water Discharge
Recipient's name/position	Neil Williams – Construction Manager, St Modwen Properties Limited	
Officer's name	Gareth Davies and Neil Herbert	Date issued 15 October 2013

Section 1 - Compliance Assessment Summary			
This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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			Condition(s) breached
a) Permitted activities	1. Specified by permit	N	
b) Infrastructure	1. Engineering for prevention & control of pollution	3	2.8.1
	2. Closure & decommissioning	A	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	3	1.1.1 (a) & (b)
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	A	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	N	
	2. Noise	N	
	3. Dust/fibres/particulates	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	N	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	
KEY: C1, C2, C3, C4 = CCS breach category (*suspended scores are marked with an asterisk), A = Assessed or assessed in part (no evidence of non-compliance), N = Not assessed, NA = Not Applicable			

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	8
If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

The purpose of the onsite compliance visit was to gain an understanding of the current landfill gas management on site and the condition of the gas infrastructure. The opportunity has also been taken to assess compliance with all other aspects of the permit, including documents that require submission to Natural Resources Wales.

Gas Surface Survey

As part of the visit we undertook a limited survey of the landfill area, a copy of this report has been provided with this Compliance Assessment Report. We used a *Gazomat* methane analyser to undertake the work, however it transpired that it was not possible to undertake any meaningful survey due to: obstruction such as presence of various stockpiles; limited access was restricted due to vegetation; some areas had been heavily compacted by vehicular traffic, and other areas were waterlogged. The findings from the survey are therefore limited although they suggest that methane surface emissions (in most of the areas checked) is not an issue presently. Two areas had elevated levels, one on the flank and one in the area where gas levels is known to be elevated. In time as restoration works progress more detailed surveys of surface emissions will be required to fully assess methane surface emissions.

Gas Monitoring Infrastructure

A random inspection of some of the site's gas monitoring infrastructure was undertaken.

A table showing well specific actions are listed below; however we have also included general actions that need to be undertaken for all wells. The operator needs to undertake an infrastructure check for all the gas monitoring points at the facility to ensure that they provide an effective means of monitoring gas.

Monitoring Point	Action required
GW37	Plastic screw type end caps are not air tight and should be replaced. 
Unidentified well at SS 70515 95539	It is unclear whether this is a gas monitoring point but the slotted section of the casing extends beyond the ground surface. This is not suitable for gas monitoring.
General (all)	Gas taps should be checked to ensure that they remain gas tight when turned off.
General (all)	A number of wells which we believe could be gas monitoring points were damaged. e.g. some wells were snapped in half etc. If these are gas monitoring points they need to be repaired.
General (all)	All gas monitoring infrastructure should be clearly labelled.

General (all)	Need to consider installing protective, lockable headworks on designated landfill gas monitoring point. At some points (e.g. where vehicular traffic is likely) then additional protection should be considered to prevent the loss of infrastructure.
---------------	--

We also observed that the sampling tap had been left open at one well. At another well we found the gas tap/bung arrangement had been left on the floor. This is indicative of poor sampling practice. Monitoring boreholes must remain sealed at all times to avoid the dilution of landfill gas with air.

The importance of collecting a good quality data set is paramount to the management of this closed landfill and will underpin the operator's risk assessments and eventual surrender application. NRW must have confidence in the quality of the data collected at the facility and in that regard we suggest a review of staff competence is now undertaken to ensure sampling staff are familiar and suitably trained in the site's sampling procedures. Whilst the deficiencies we noted in this report relate to gas we would suggest that this would be a good time to review the sampling procedures and training for all media monitored at the site.

Photograph showing monitoring point 41, with gas tap left open.



The failure we have noted in this report is considered a breach of condition 1.1.1 a) and b) and 2.8.1 of your permit. We have attributed a Compliance Classification Score of 3 for this breach against the b1 and c2 compliance headings. You have been given advice and guidance against this breach. CCS Reference 203720.

Leachate/ contamination remediation

The remediation works to mitigate the hydrocarbon contamination is ongoing and we observed several locations where this work was underway. We also observed that the interception trench has recently been subject to some maintenance with the improvement of the ply-board trench boundary.

General Permit Compliance

A review of the permit was undertaken in order to assess compliance with all conditions within the permit. The following table highlights those areas of the permit that require action or submissions to be made to Natural Resources Wales.

As per condition 4.2.1, please send correspondence to Natural Resources Wales, Maes Newydd, Britannic Way West, Llandarcy, SA10 6JQ and include permit number EPR/AP3990LR and EAWML 34003 as the reference.

Permit Condition Number	Permit Condition	Action Required
1.1.1 (a) and (b)	The operator shall manage and operate the activities in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the operators as a result of complaints.	A written management system shall be submitted to Natural Resources Wales. Please provide a timescale for submission of a written management system by 6 November 2013
1.1.4	The operator shall comply with the requirements of an approved competence scheme.	Please provide details of the competent person on site, this should include their name and the qualification that they have obtained. Please provide these details by 6 November 2013.
1.2.1 (a)	The operator shall maintain an accident management plan.	An accident management plan shall be submitted to Natural Resources Wales. Please provide a timescale for submission of an accident management plan by 6 November 2013.
2.3.1 – linked to Schedule 1 – Operations, Table S1.2 Operating techniques and Table S1.3 Improvement programme requirements – IP2.	The operator shall, subject to the conditions of the permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by the Environment Agency (now Natural Resources Wales)	A Closure and aftercare management plan shall be submitted to Natural Resources Wales for written approval. Please provide a timescale for submission of a Closure and Aftercare Management Plan by 6 November 2013.
2.4.1	The operator shall complete the improvements specified in schedule 1 table S1.3 by the date specified in that table unless otherwise agreed in writing by the Environment Agency (Natural Resources Wales).	It is noted that the Hydrogeological Risk Assessment, Stability Risk Assessment and Gas Risk Assessment have been submitted to Natural Resources Wales for review and comments have been provided to Atkins, consultants acting on behalf of St Modwen Developments Limited.
2.7.1	The operator shall maintain a closure and aftercare management plan.	As per condition 2.3.1 a Closure and Aftercare Management Plan shall be submitted to Natural Resources Wales for written approval.
2.8.1	The operator shall take appropriate measures, including, but not limited to, those specified in any approved closure and aftercare management plan, to control the migration of landfill gas.	The findings and recommendations from the gas survey shall be implemented alongside the comments made in response to the Gas Risk Assessment.
3.1	Emissions to water, air or land	The emissions to water, air or land shall be review as part of the Closure and Aftercare Management Plan. The Closure and Aftercare Management Plan shall have consideration of conditions of 3.1.1, 3.1.2, 3.1.3, 3.1.5 and 3.1.6.
3.5.1	The operator shall, unless otherwise agreed in writing by the Environment Agency (Natural Resources Wales), undertake the monitoring and any other actions specified in the agreed closure and aftercare management plan including (a) leachate; (b) point source emissions; (c) Groundwater; (d) Landfill gas; and (e) Surface water.	As per condition 2.3.1 and 2.7.1 a Closure and Aftercare Management Plan shall be submitted to Natural Resources Wales. The Closure and Aftercare Management Plan shall have consideration for the monitoring required under condition 3.5.1 and conditions 3.5.2, 3.5.3, 3.5.4 and 3.5.5.

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 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 which 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 Natural Resources Wales (NRW) to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). 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 (e.g. 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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

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

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 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 the officer's line managers. 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) 601 0987**.