

Compliance Assessment Report CAR_NRW0039447

Permit number	DP3733BK	Operator name	Newport City Council
----------------------	----------	----------------------	----------------------

Site name	Docksway Area 2 Landfill
Site address	Docksway, Maes Glas, Newport, Gwent, NP20 2NS
Assessment type	Report/Data Review

Date of assessment	18 February 2022	Time in	N/A	Time out	N/A
---------------------------	------------------	----------------	-----	-----------------	-----

Parts of permit assessed	Permitted emission limits and notification requirements
---------------------------------	---

NRW Lead officer	Guy Baskerville	Accompanied by	N/A
Report sent to – Name and position	Robert Hughes Landfill Team Manager	Date	18 February 2022

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (use action criteria below)	Assessment result	Permit condition
E1 Emissions – Air	C3 Minor	3.1.2
E1 Emissions – Air	C3 Minor	3.1.2
G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales	C4 No environmental impact	4.3.2

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
3	8.1

2. What action is required?

Criteria	Action needed	Complete by
G4	Procedure(s) to be put in place to ensure field and laboratory collected data be compared with permitted emission limits as soon as practicable after analysis so any exceedances may be identified promptly and notification submitted to NRW without delay	28 April 2022

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecutions and/or suspension or revocation of your permit.

4. Details of our assessment

The purpose of this Compliance Assessment Report (CAR) is to record breaches of the environmental permit arising from the exceedance of permitted emission limits during Q4 2021.

Condition 3.1.2 of the environmental permit states:

The limits given in schedule 3 shall not be exceeded.

Table S3.4 of Schedule 3(a) to the environmental permit is partially reproduced below.

Table S3.4 Landfill gas in external monitoring boreholes – limits and monitoring requirements				
Emission point ref. & location	Parameter	Limit (including unit)	Monitoring frequency	Monitoring standard or method
GP05_16	Carbon Dioxide	7.7%v/v	Quarterly	As per LFTGN 03 issued September 2004 'Guidance on the management of landfill gases'.
GP09_18	Methane	1.1%v/v	Quarterly	As per LFTGN 03 issued September 2004 'Guidance on the management of landfill gases'.

Emissions monitoring data submitted on 02 February 2022 demonstrates that the measured Carbon Dioxide result at GP05_16 on 02 December 2021 was 8.5%v/v. This is an exceedance of permitted emission limits and represents non-compliance with the environmental permit.

As a result of this non-compliance a CCS Score [C3] has been recorded against compliance sub-criteria (E)(1) [air]

Emissions monitoring data submitted on 02 February 2022 demonstrates that the measured Methane result at GP09_18 on 02 December 2021 was 5.1%v/v. This is an exceedance of permitted emission limits and represents non-compliance with the environmental permit.

As a result of this non-compliance a CCS Score [C3] has been recorded against compliance sub-criteria (E)(1) [air]

Condition 4.3.1 (b)(i) of the environmental permit states:

*(b) in the event of a breach of any permit condition the operator must immediately-
(i) inform Natural Resources Wales*

Condition 4.3.2 of the environmental permit states:

Any information provided under condition 4.3.1(a)(i) or 4.3.1(b)(i) where the information relates to the breach of a limit specified in the permit, shall be confirmed by sending the information listed in schedule 5 to this permit within the time period specified in that schedule.

Part A(b) of schedule 5 to the environmental permit requires NRW be notified **immediately** of an exceedance of permitted limit.

The operator notified the regulator of the exceedance of permitted emission limit(s) on 09 February 2022. The exceedance of permitted emission limit(s) was detected on 02 December 2021. The operator failed to notify the

regulator of the exceedance of permitted emission limit(s) within 24 hours of detection which represents non-compliance with the environmental permit.

As a result of this non-compliance a CCS Score [C4] has been recorded against compliance sub-criteria (G)(4).

It is unclear why notification was delayed by over 2 months from the date of detection. I note that, historically, delays between permitted limit exceedance detection and NRW notification appear to be common and may reflect an over-reliance on the nominated consultant to deliver against the permit's reporting requirements.

Action (1): Procedure(s) to be put in place to ensure field and laboratory collected data be compared with permitted emission limits as soon as practicable after analysis so any exceedances may be identified promptly and notification submitted to NRW without delay.

[END]

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found in the aspects assessed.
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

Full list of Industry and Waste action criteria (used in section 1 and 2):

A: Permitted activities

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or 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
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email

enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.