

Compliance Assessment Report

Report ID:
CAR_NRW0032877

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

Site	Nant Y Garth Landfill Site	Permit Ref	WP3432SC		
Operator/Permit holder	Treborth Leisure Limited				
Regime	Waste Operations				
Date of assessment	15/12/2017	Time in	12:30	Out	13:40
Assessment type	Site Inspection				
Parts of the permit assessed	see below				
Lead officer's name	Hughes, Julie				
Accompanied by	Lewis, Gareth A.				
Recipient's name/position	Paul Wills/ TCM	Date issued	15/02/2018		

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
C1 - General Management - Staff competency/training	C3	1.1.1(b)
C3 - General Management - Materials acceptance	C3	2.8.1; 2.8.2
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	3.6.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.2

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

A pre-arranged visit took place on Friday 15th December, 2017. Present were Julie Hughes Regulating Officer of NRW, Gareth Lewis SUW Advisor Wales of NRW, Paul Wills Technically Competent Manager (TCM) and a site Operative.

All areas of the landfill were not accessible due to the ground conditions which were extremely wet and muddy. Concerns were raised by the Regulating Officer regarding the stability of the site especially regarding steep profile of the area above the watercourse.

The Regulating Officers observed that materials accepted as trommel fines 19 12 12 had been deposited onsite. The material contained plasterboard and was deemed unacceptable. Other areas of site were observed to contain quantities of plastic and metal which were again not suitable for an inert landfill. Suitable checks are not being carried out on material arriving on site nor at the time of deposit.



Please note that the site, at present, is exempt from landfill tax duty. However, if the material accepted under 19 12 12 is accepted without the relevant paperwork, showing that suitable testing has taken place, HMRC could levy landfill tax on the whole site.

A large ro-ro skip was observed on site, this contained a mixture of white goods which included a

washing machine, air conditioning unit, stainless steel sink and other items as shown in the photograph below. The permit does not allow metals be accepted. The site operative confirmed that the metal waste had not come in to site within inert waste skips but was accepted to sell for scrap and that he was not aware that he was not allowed to do this for a bit of 'Christmas money'.



The TCM was not aware that the acceptance of unsuitable waste was happening on site. The TCM had not been attending site due to ill health and other commitments. The attendance of TCM had been discussed previously with a copy of 'How to comply with your permit' with the relevant section regarding the attendance of TCM highlighted, if attendance can't be met alternative arrangements should be arranged such as the appointment of a suitably qualified person who could take on the role of TCM. The document 'How to comply with your permit' had been sent by email.

The watercourse, which runs along the side of the site was full of waste material including, bricks, grinding disks. The Regulating Officer would discuss the situation regarding the watercourse with the Local Authority.



Quarterly and Annual Monitoring records have been submitted on 31st January, 2018. The reports were submitted on behalf of the Operator separately. However not all of the required monitoring had been undertaken due to the areas of the site not being accessible. The topographical survey and void calculation were also missing from the annual report. Several of the trigger levels recorded within the report had been breached, however no indication of what, if any, remedial action was to be taken regarding these anomalies was included within the report or forwarded to the regulating officer separately.

The above observations have resulted in the following breaches being recorded.

C3 Materials acceptance – Category 3 breach of permit condition 2.8

Permit condition 2.8.1 wastes shall only be accepted for disposal if:

- a. They are listed in schedule 2 and
- b. They are inert wastes, and

metal waste accepted onto site in contravention of lists of waste within the permit. Metal waste not classed as inert.

Permit condition 2.8.2 The Operator shall visually inspect:

- a. Without unloading it, waste that is not in an enclosed container or enclosed vehicle on arrival at the Landfill; and
- b. Waste at the point of deposit

And shall satisfy itself that it conforms to the basic characterisation documentation submitted by the holder.

Action Remove metal waste from site and ensure that all Operatives are aware of permit requirements including the acceptance of waste.

C1 Attendance of TCM and staff training – Category 3 breach of permit condition 1.1.1(b)

Permit condition 1.1.1 The Activities shall be managed and operated: 1.1.1(b) by sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities.

Lack of TCM' attendance on site and staff training/understanding has meant that non-permitted wastes have been accepted.

Action: Record attendance of TCM in site diary. Update and record staff training to ensure that all site operatives are aware of permit requirements, in particular, waste procedures.

G1 Monitoring – Category 3 breach of permit condition 3.6

Permit condition 3.6.1 The Operator shall, unless otherwise agreed in writing by the Agency, undertake the monitoring for the parameters specified in the following tables in Schedule 4 to this Permit:

- a. Groundwater specified in Table S4.1 and S4.4
- b. Landfill gas specified in Table S4.2
- c. Surface water specified in Table 4.3

Landfill gas had not been monitored on 26th October 2017 in location number G02, G03, GW03 and GW04. 18th December, 2017 location number G02, GW03 and GW04 were again not monitored due to 'No Access'

Groundwater levels had not been recorded in GW02 on 27th October and 18th December, 2017.

Surface water quality – Appendix 2 of the October – December 2017 report shows several gaps in the data for SW1 and SW3 sampling points.

Ensure that access is available to all sampling points as indicated in the permit. If any sampling point is inaccessible please provide, in writing, reasons why monitoring is not taking place and outline the action to be taken to resolve the problem.

G4 Reporting – Category 4 breach of permit condition 4.2

4.2.1 A report or reports on the performance of the activities over the previous year shall be submitted to the Agency by 31st January (or other date agreed in writing by the Agency) each year. The report(s) shall include as a minimum

(e) the topographical survey required by condition 3.6.3 other than those submitted as part of a CQA validation report;

(f) The volumetric difference (reported in cubic meters) between the most recent topographical survey and the previous annual topographical survey i.e. the additional volume of the landfill void that is occupied by that waste.

(g) an assessment of the settlement behaviour of the landfill body based on the difference between the most recent topographical survey and previous annual topographical survey for the areas of the landfill which did not receive waste between the surveys;

(h) a calculation of the remaining capacity (reported in cubic meters) derived from the pre-settlement contours and the most recent topographical survey

(l) compliance testing undertaken in the period.

Annual report submitted did not contain any information relating to permit conditions 4.2.1 (e) to (l)

Action: Commission a new report, or provide the outstanding documentation which provided all details as per the requirement of the permit.

PLEASE NOTE: ALL ACTIONS TO BE COMPLETED BY 28TH FEBRUARY, 2018

It is proposed that a meeting between the Operator/TCM and Regulating Officers takes place on Monday 5th March, 2018 at 2pm, at the offices of Natural Resources Wales, Maes y Ffynnon, Penrhosgarnedd LL57 2DW to discuss the site and above breaches. Please confirm your attendance by 28th February, 2018.

Contact Details of Regulating Officer:

Julie Hughes
Environment Officer – Waste Regulation
Natural Resources Wales
Maes y Ffynnon
Penrhosgarnedd
Bangor
LL57 2DW

Tel: 03000 653705

Email: julie.hughes@cyfoethnaturiolcymru.gov.uk

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0032877**

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Site	Nant Y Garth Landfill Site	Permit Ref	WP3432SC
Operator/Permit holder	Treborth Leisure Limited	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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
G4	C4	commission survey to comply with all requirements of the permit including topographical survey and void space in the landfill	28/02/2018
G1	C3	Ensure clear access to all sampling points as indicated in the permit. No topographical survey submitted to NRW as per required by condition 3.6.3	28/02/2018
C1	C3	ensure that TCM attends site in accordance with	28/02/2018
C3	C3	remove metal waste accepted on site and ensure that all operatives have been trained to understand the requirement of the permit in relation to waste acceptance	28/02/2018

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.