

Compliance Assessment Report CAR_NRW0039255

Permit being assessed: KP3795FU.

For: Hendy Quarry Landfill, held by Tarmac Trading Limited

At: School Road, Miskin, Pontyclun, R C T, CF72 8PG.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 31/12/2021.

Parts of permit assessed: Q returns Q1,2,3,4, Annual Report

NRW Lead Officer: Richard Taylor.

Report sent to: Paul Stanyard, Environmental Monitoring Manager on 01/02/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4 No impact	S4.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4 No impact	S4.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.3.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4 No impact	S4.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4 No impact	S4.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.3
B5 - Infrastructure - Plant and equipment	C4 No impact	3.6.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4 No impact	3.6.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4 No impact	3.6.1
C1 - General Management - Staff competency/training	C3 Minor	1.1(b)
B5 - Infrastructure - Plant and equipment	C4 No impact	3.6.1

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

Total number of non-compliances recorded	Total non-compliance score
11	8.9

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
G1	Reinstate daily volume monitoring	31/03/2022
G1	reinstate daily monitoring	31/03/2022
G4	report notifications in accordance with permit conditions	31/03/2022
G1	reinstate daily monitoring	31/03/2022
G1	install telemetry equipment reportedly purchased during Q4 2021 to provide daily flow readings.	31/03/2022
G4	Improve notifications to NRW	31/03/2022
B5	Maintain access to monitoring points	31/03/2022
G1	Site need to ensure access to Boreholes and monitoring points are maintained.	31/03/2022
G1	Improve infrastructure	31/03/2022
C1	Improve management of sampling operation	31/03/2022
B5	Improve maintenance of boreholes	31/03/2022

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 prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

Annual Returns Report - Hendy Quarry

Site Notes – Permit variation (V007) from May 2019 increased daily discharge from soakaway from 750m³/day and 25ltr/sec to 5000m³/day and 48ltr/sec.

Daily flow is recorded daily, averages of ltr/sec figures are calculated monthly. Suspended solids are limited to 100mg/l; Mineral Oil 5mg/l, and pH 6-9, monitored monthly. Soakaway results are reported quarterly.

Trigger levels for groundwater have been set for Chloride, Ammoniacal Nitrogen, Sulphate, Nickel, Cadmium and Napthalene in line with the LFTGN02, monitored quarterly, reported quarterly.

Landfill Gas is required to be monitored in accordance with an approved landfill gas management plan reported quarterly. Walkover surveys occur at 6 month intervals.

Annual input limited to 450,000 tonnes of inert material. Void capacity 1,300,054m³.

3 Destroyed - BH01, BH03, BH04.
 3 boreholes removed – BH06, BH10, BH11, BH12.
 4 boreholes cannot be located – BH08, BH09, BH0E, BH0Y

Hendy Quarry KP3795FU

1.0 Quarterly Data

Q1 results – Received by NRW 22 Apr 2021

All results provided were within permit limits. Site sent a Schedule 6 report for not carrying out daily water release volumes. Weekly and monthly figures were provided.

Permit condition S4.1 requires daily volumes to be recorded for the water discharge from the quarry.

Decision - A Cat 4 breach of permit condition S4.1 for not providing daily readings during Q1 2021 for surface water soakaway. This is a permit breach without environmental effect.

0.1 points

Q2 results – Received 27 July 2021

All results provided were within the permit limits. No results were provided for soakaway Suspended solids, pH, or Mineral oil. This is a requirement of permit condition S4.1 where Quarterly spot samples are required to be reported. A permit breach is recorded for not supplying the data.

Decision – Cat 4 breach of permit condition S4.1 for not providing required data during Q2 2021.

0.1 points

2 external Gas monitoring boreholes PZ07/08 and PZ08/08 were reported as not being accessed in May 2021. Site reported this as being reported to NRW on 22nd Oct 2021 which is in Q4. The Schedule notification dated the time and date of the occurrence at 22nd Oct 2021 – some 5 months after the missed sampling occurred. The missed samples should have been reported 'without delay' from the time of detection as laid down in permit condition 4.3.1 and 4.3.2. Therefore, a category 4 breach of the reporting conditions has been applied for late reporting of the data collection omissions.

Decision – a Cat 4 breach of permit condition 4.3.1 is applied for late notification of missed monitoring gas wells during Q2.

0.1 points

Q3 results – received 26th Oct 2021

The results provided were within the permit limits. Site sent a schedule notification for not providing daily flow data to the discharge at NGR ST 0538 8136.

Decision - 1 x Cat 4 breach of permit condition S4.1 for not providing daily readings during Q1 2021 for surface water soakaway. This is a permit breach without environmental effect.

0.1 points

.....

Q4 results – received 24th Jan 2022

The results provided were within the permit limits. Site sent a Schedule notification for not providing daily flow data to the discharge at NGR ST 0538 8136 as in Q1, Q2, Q3 2021.

Decision - 1 x Cat 4 breach of permit condition S4.1 for not providing daily readings during Q1 2021 for surface water soakaway. This is a permit breach without environmental effect.

0.1 points

Action – Site to install telemetry equipment reportedly purchased during Q4 2021 to provide daily flow readings.

This is a site improvement target for 2022.

Required ASAP

.....

2.0 Annual Report for 2021 – received 26th Jan 2022.

2.1 Internal Gas boreholes

5 boreholes exist at the site from the original 11. To compensate, the site carried out FID monitoring on a 6-monthly basis. All measurement parameters were within permit limits, but not all boreholes were sampled once per quarter. 6 monthly FID surveys were carried out in May and December 2021. A spike of 30ppm methane (flammable gas) was detected in May from a location in the centre of the site. December's monitoring was however normal at 0.2 ppm against a permitted 1.0 ppm. The site will continue 6 monthly FID walkovers to ensure this was an anomaly.

Data was not provided at the following boreholes on the quarters listed. A site management target for 2022 is to maintain access to all monitoring points.

Q1 2021 – BH08 – unsafe, not sampled.

BH09 – unsafe, not sampled.

Q2 2021 – BH07 – Unsafe, overgrown, no data.

Q3 2021 - BH02 – No data

BH05 – No data (schedule sent)

BH07 – No data (schedule sent)

BH08 – No data (schedule sent)

BH09 - No data (schedule sent)

Q4 2021 - BH08 – unsafe, not sampled

BH09 – Could not be located

2.2 NRW Issue with Schedule 6 notification sent to NRW on 22nd Oct 2021.

NRW take issue with how the Schedule 6 form has been used for reporting by the site. The schedule 6 form is a permit requirement to be sent to the regulator if a notification needs to be sent to NRW as laid down in the site permit.

Permit condition 4.3.1 The Agency shall be notified **without delay** following the detection of:

(a) any malfunction, breakdown or **failure of equipment or techniques**, accident, or fugitive emission which has caused, is causing or **may** cause significant pollution.

(b) the breach of a limit specified in the permit.

(c) any significant adverse environmental effects.

4.3.2 Any information provided under condition 4.3.1 shall be confirmed by sending the information listed in Schedule 6 to this permit within the time period specified in that schedule.

The schedule 6 was received on 22nd Oct 2021 and referenced Q3 gas and water levels. This needs to be more specific. Site have used the form to cover more than one receiving media across a 5 month time period which is not the intended use of the form. The form needs to be submitted 'without delay', with part A submitted to NRW within 24 hours of detection. It should be more specific in detail and should have listed each borehole which has not been measured with dates. A separate notification should be made for groundwater to surface water to landfill gas. The Schedule at Part A (a) states the form should be 'notified within 24 hours of detection'. In this case it should have been submitted within 24 hours of the sampling which took place on 13th July 2021. NRW received the notification on 22nd October 2021.

Action: Site are to improve the submission quality of future Schedule notifications. Please ensure required notifications requiring a schedule 6 are sent without delay upon detection of missed sampling or any other issue listed above under permit condition 4.3.1. within 24 hours with the part B follow up sent as soon as practicably possible. In this case there was a delay between 13th July and 22nd October for NRW to be notified.

The delay is a breach of site permit condition 4.3 for not notifying NRW of missed samples.

Decision – Cat 3 noncompliance with permit condition 4.3 for not notifying NRW of failed techniques or equipment 'without delay'.

4 points

A further non-compliance has been raised for Q2 BH7 where the borehole was not accessed due to it being deemed unsafe to access and had overgrown vegetation preventing access. Site are required to maintain safe access to monitoring boreholes as laid down in CAR form CAR_NRW0038704 sent to site 3rd Sept 2021. This noncompliance has been applied to BH7 in Q2 – failure to access monitoring point.

Decision – Cat 4 noncompliance against pc3.6.1 for failure to access monitoring point BH07 during Q2 2021.

0.1 points

A noncompliance to permit condition 3.6.1 has been applied to Q4 BH09 which reportedly could not be located.

Decision - Cat 4 noncompliance against pc3.6.1 for failure to access monitoring point BH09 during Q4 2021.

0.1 points

Action – Site need to ensure access to Boreholes and monitoring points are maintained.

2.3 Perimeter Gas Boreholes

Site measured 9 perimeter (out of waste) boreholes during 2021. Data was missing for the complete suite of data from the boreholes. Some missing data was because some boreholes were locked off. BH0E was unable to be located. Others were unable to be located, broken, or unable to provide representative samples.

Of the 9 boreholes, none provided 4 consecutive quarterly readings, however, all readings that were provided were within permit parameters. Q3 readings were not taken due to a monitoring personnel issue.

This was reported to NRW via a schedule 6 reporting form sent 22nd October and previously discussed above.

List of perimeter gas borehole noncompliance's.

- **Unable to locate borehole within Quarter** - BH0E (Q1,2,3,4). BH0Y (Q1,2,3,4). BH09 (Q4). These are noncompliance of permit condition 3.6.1 where access and maintenance of the boreholes must be maintained to enable representative samples to be taken to fulfil the requirements of pc 3.6.

Decision- Cat 4 breach of permit condition 3.6.1 for not maintaining access to boreholes.

0.1 points

- **Maintenance technician personnel failure** – Q3 results were not taken due to a monitoring personnel issue, this is a breach of permit condition 1.1(b) where sufficient competency was not employed to complete the Q3 monitoring task.

Decision – A Cat 3 breach of permit condition 1.1(b) has been applied for a noncompliance during Q3 which could have resulted in a minor environmental effect.

4.0 points

- **Maintenance issues on boreholes** – A number of boreholes were reported as having elements broken or not working properly, or issues which could affect the sample quality.

This applied to.

Q1 and Q3 for PZ03/08
Q3 and Q4 for PZ07/08R
Q1 PZ08/08R
Q1 and Q4 PZ08/08

Decision – A single cat 4 breach of permit condition 3.6.1 is applied for maintenance issues which have affected the ability of site to provide representative monitoring data for the given periods.

0.1 points

2021 site Points total 8.9

This will make the site a Band B performer for 2021.

.....End

.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

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
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

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.