

Compliance Assessment Report

Report ID:
CAR_NRW0031923

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

Site	Giants Grave Landfill	Permit Ref	SP3298FT		
Operator/Permit holder	Neath Waste Management Co Ltd				
Regime	Waste Operations				
Date of assessment	26/07/2017	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Monitoring and reporting				
Lead officer's name	Thomas, Ffion				
Accompanied by					
Recipient's name/position	Mike Jones/ Waste officer	Date issued	26/07/2017		

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
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4	4.2.3(b) S4.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.3.5
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	2	Total compliance score (see section 5 for scoring scheme)	4.1
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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

This compliance assessment report form has been completed following a request and review of gas management data for the period of 2016 at the closed Giants Grave landfill site, permit number SP3298FT

On the 14th July 2017 an email response was received to a request for landfill gas 2016 data. The original request had been made on 7th June, and a further request made on the 13th to explain why no flaring of gas had been undertaken during the year.

On review of the submissions (emails saved to site file under title Landfill Gas Combustion data 2016) questions were raised over the gas management, these were presented in an email as detailed below and to which this CAR form is to be attached:

Good morning Mike, I understand you are currently on leave and therefore having phoned your office I have copied this email response to Alan Harevy so as to avoid any delays (understanding you are reviewing contracts)

I thank you for submitting the below information, having asked colleagues within our landfill sector group I forward the below comments

It is unusual to see an entire gas field switched off due to signs it is turning aerobic (although to be fair the site is quite small, old and shallow). Whilst generally unusual to see whole fields shut down It is not unusual to see individual wells or a small zones shut down, but if an entire field is starting to show signs of turning aerobic then this may suggest:

- *that there are periods of over abstraction (i.e. suction may be too high which in turn may indicate an unsuitable gas engine (i.e. can't deal with lower volumes therefore they need to apply suction pressure which is too high)),*
- *gas balancing protocols may need improvement and/or*
- *air leaks are not being addressed (i.e. well re-sealing etc.).*
- *or a combination of all of the above.*

We would expect that a carefully balanced, well maintained and managed gas field which draws gas in a steady and consistent manner should not fall into the aerobic/anaerobic cycle reported

here. I welcome your further comment and detailed explanation.

The engines and flares must be of sufficient capacity to handle the gas produced by the site and therefore should be replaced if this is no longer the case. It is possible that trying to supply an unsuitable gas engine (i.e. the engine may be too big) could causing the over-abstraction, which may be causing the field to turn aerobic.

Whilst awaiting this response regarding the non-flaring an email notification (attached) was received that the engine was to be replaced with a smaller capacity. See attached email trail. Please could you confirm if this replacement was undertaken to remedy an over abstraction.

All new gas engine will need to comply with the requirements of LFTGN08, specifically:

- Any new gas engine will have to meet the tighter emission limits for NO_x (500), CO (1400) and Total VOC (1000). The current limits which are more generous as the engine was very old) would not apply for a replacement engine.*
- The new engine can't have a separate emission point for their crankcase emissions (i.e. it should be recirculated back into the engine (see LFTGN08)).*

As the infrastructure has indeed changed I will advocate an NRW initiated variation (admin) to ensure Table S3.1 is amended to reflect the correct emission limits as stated above for any replacement engines.

Without reviewing the engine capacity, gas balancing and flow data in detail it is not possible for us to say for sure what the causes were (and as stated above I welcome your comment and explanation) although there were no emission limit breaches reported nor odour complaints received at the time gas collection was suspended. However irrespective of this, the operator should have notified us (schedule 5 notification) and is therefore a permit breach/es. I have produced a CAR form separately to cover this non-compliance. And attached it to this email.

Moving forward you are reminded that if gas treatment is suspended in future we need to see a schedule 5 notification as per permit.

In addition to the above please forward details of the standby flare (design specification and turndown ratio) demonstrating capacity to treat lower flows – and ensuring gas treatment can be maintained.

I understand Mike that you are currently on leave till the 9th August and so, unless this matter is taken up by your colleagues, I request your response to the above by 16th August (if not before)

I am happy to discuss the matter, but hope the above is explanatory.

As detailed in the email conversation above a breach of the permit has been identified, in that no notifications have been made over the down time of the gas engines. As required by condition 4.3.5:

- 4.3.5 Where the operator proposes to make a change in the nature or functioning, or an extension of the activities, which may have consequences for the environment and the change is not otherwise the subject of an application for approval under the Regulations or this permit:
- (a) Natural Resources Wales shall be notified at least 14 days before making the change; and
 - (b) the notification shall contain a description of the proposed change in operation.

The memorandum shared on the 14th July titled Briton Ferry Landfill Site Non -Flare Operation dated June 17 included dates and times of downtime (equating to 230 hrs) Whilst it is recognised that notification of all downtime may not lead to “consequences for the environment” the change of function (gas management) without flaring may lead to an impact and a notification to that effect would have been expected. I have consolidated these breaches as per the CCS guidance, and assigned a category 3 score.

During this data a review a check of the 2016 report was undertaken identifying that other landfill gas monitoring parameters was not submitted. This information is required under condition 4.2.3 (b) referencing table S4.1

Table S4.1 Reporting of monitoring data

Parameter	Emission or monitoring point/reference	Reporting period	Period begins
Leachate levels As required by condition 3.5.1	LW 5, LW8, LW9, LW15, LW17 and LW18 as shown on drawing reference: Drawing B1404900/CAP/2010/01- Environmental Monitoring Plan ref: B140400/CAP/2010/01	Every 3 months	1 January, 1 April, 1 July, 1 October
Emissions to air Parameters as required by condition 3.5.1	Emission point at NGR: SS 73393 95359 and SS 73395 95353	Every 12 months	1 January
Emissions to water Parameters as required by condition 3.5.1	Vee Notch Weir as shown on drawing reference: Drawing B1404900/CAP/2010/01- Environmental Monitoring Plan	Every 3 months	1 January, 1 April, 1 July, 1 October
	Discharge Flap Valve as shown on drawing reference: Drawing B1404900/CAP/2010/01- Environmental Monitoring Plan	Every 3 months	
Groundwater Parameters as required by condition 3.5.1	BH1B BH5 BH8 BH9B BH12 BH15 BH43B BH45B as shown on drawing reference: Drawing B1404900/CAP/2010/01- Environmental Monitoring Plan	Every 3 Months	1 January, 1 April, 1 July, 1 October
Landfill gas surface emissions Parameters as required by condition 3.5.1	BH3W, BH40B, BH43B, BH45B, BH5B, BH49W, BH55B, BH7B, BH9B, BH4, BH5, BH8, BH12, BH15, BH1B, BH47W as shown on drawing reference: Drawing B1404900/CAP/2010/01- Environmental Monitoring Plan	Every 3 months	1 January, 1 April, 1 July, 1 October
Other Landfill gas monitoring Parameters as required by condition 3.5.1	All gas collection wells and any other (in-waste) gas monitoring points, Input to Landfill Gas Utilisation Compound, Gas inlet to gas utilisation compound, Landfill Gas engine post turbo, Flare	Every 3 months	1 January, 1 April, 1 July, 1 October

This non-compliance of reporting has been scored as a Cat 4.

It is recommended that the operator discuss with their gas management contractors to review the gas management arrangements and provide comment as detailed in the email copied above. You are reminded to ensure that notification are made, and data reported as per permit conditions related to gas management.

It is noted that all other monitoring parameters reporting has been submitted.

Please be reminded that CCS breaches will have an impact on your subsistence fees further information can be found via this link: https://naturalresources.wales/media/681989/draft-2017-new-charge-guidance-17_18.pdf

END

EPR Compliance Assessment Report

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Site	Giants Grave Landfill	Permit Ref	SP3298FT
Operator/Permit holder	Neath Waste Management Co Ltd	Date	26/07/2017

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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	C4	It is recommended that the operator discuss with their gas management contractors to review the gas management arrangements and provide comment as detailed in the email copied above. You are reminded to ensure that notification are made, and data reported as per permit conditions related to gas management.	16/08/2017
G4	C3	It is recommended that the operator discuss with their gas management contractors to review the gas management arrangements and provide comment as detailed in the email copied above. You are reminded to ensure that notification are made, and data reported as per permit conditions related to gas management.	16/08/2017

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. 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.