

Compliance Assessment Report CAR_NRW0039286

Permit being assessed: PP3139GB.

For: Hafod Quarry Landfill Site, held by Enovert North Limited

At: Hafod Quarry Landfill Bangor Road, Johnstown, Wrexham, LL14 6ET.

Type of assessment carried out: Report/Data Review, Reason: Routine.
On 30/12/2021.

Parts of permit assessed: Q4 monitoring return

NRW Lead Officer: Rebecca Harwood.

Report sent to: Ian Craven, Area Manager on 14/02/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor	Condition 2.7.1
E2 - Emissions - Land and groundwater	C3 Minor	Condition 3.1.7
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
B1	See Actions 1-3 below	31/03/2022
E2	See Action 4 below	31/03/2022
G1	See Action 5 below	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.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

Review of Q4 (October - December 2021) monitoring returns and Schedule 5 notifications.

Monitoring data was submitted to NRW on 28.01.2022 in accordance with Permit Condition 4.2.3.

Leachate

Leachate levels were monitored monthly in accordance with Condition 3.5.1(a) and Table S3.1 (Leachate level limits and monitoring requirements).

During Q3 leachate levels between 1.94m and 32.6m were recorded versus a compliance limit of 2m. With reference to Schedule 5 notifications HAF299 (October), HAF301 (November) and HAF304 (December), there were 10 instances where the recorded leachate level was greater than 2m. **NRW considers this a breach of Permit Condition 2.7.1.** The limit for the level of leachate listed in Schedule 3 - Table S3.1 (2m), shall not be exceeded. (B1-CCS3).

Action 1: Operator to ensure pumps and ancillary equipment are well maintained to maximise leachate removal.

With reference to Schedule 5 notifications HAF299, HAF301 and HAF304, the Operator states that high leachate levels in LMP2AR are believed to be due to perched leachate. The Operator states in the October notification that this well was raised and the pump reinstated. However, the November notification implies further issues with this pump and the levels increased during the quarter.

Action 2: Further investigations into well LMP2AR, the pump suitability and the associated leachate levels are required. Report findings to NRW by 31.03.2022.

The Operator has stated previously that raised leachate levels in LMP4a and LMP4b are also due to perched leachate. The levels within LC4 and LMP4b fluctuate dramatically. An air pump was installed in LMP4b during December with a reduction in level noted. Dips could not be obtained from LMP4a during the quarter to assess the impact of the pumps.

Action 3: Provide access to LMP4a to ensure dip measurements can be taken.

During Q4 6,961m³ of leachate was tankered offsite for treatment.

Leachate sampling was completed in accordance with Condition 3.5.1(a) and Table S3.9

(Leachate – other monitoring requirements). As noted in CAR_NRW0039088 annual sampling of hazardous substances was undertaken during Q3 but could not be completed in Cell 2, this was undertaken on 31.12.2021.

Landfill Gas

Perimeter gas monitoring was undertaken in accordance with Condition 3.5.1(d) and Table 3.6 (Landfill gas in external boreholes).

With reference to Schedule 5 notifications HAF297, HAF302 and HAF303, there were 27 instances during Q3 where methane levels in perimeter gas wells exceeded the 1% compliance limit. **NRW considers this a breach of Permit Condition 3.1.7.** The limits for landfill gas set out in Schedule 3 - Table S3.6 shall not be exceeded (E2-CCS3).

HAF297 (October) - elevated methane concentrations observed in boreholes GB02, GB03, GB04a, GB04b, GB06a, GB07a, GB09 and GB12 ranging between 1.8% (GB02) and 41.9% (GB04b).

HAF302 (November) - elevated methane concentrations observed in boreholes GB02, GB04a, GB04b, GB06a, GB07a, GB07b, GB09 and GB12 ranging between 1.6% (GB12) and 40.1% (GB06a).

HAF303 (December) - elevated methane concentrations observed in boreholes GB01, GB02, GB03, GB04a, GB04b, GB06a, GB07a, GB07b, GB08, GB09 and GB12 ranging between 1.2% (GB07b) and 37.3% (GB04b).

Historically, these perimeter gas wells have demonstrated elevated methane levels. All perimeter gas wells show very low or negative relative pressure. The perimeter gas wells are subject to the Landfill Gas Management Plan.

Action 4: Operator to continue to follow landfill gas management plan and monitor closely.

Advice & Guidance: The Operator could sample the monitoring boreholes for mines gas / helium if it is thought this maybe influencing the methane concentrations.

Monthly in waste landfill gas monitoring was undertaken in accordance with Condition 3.5.1(d) and Table S3.8.

Weekly monitoring of the gas output to the LFG Utilisation Compound was undertaken in accordance with Condition 3.5.1(d) and Table S3.8.

Groundwater

Groundwater monitoring was undertaken in accordance with Condition 3.5.1(c) and Tables S3.5 (Groundwater – emission limits and monitoring requirements) and S3.11 (Groundwater – other monitoring requirements).

Monthly groundwater levels were obtained. Quarterly groundwater analysis was

undertaken in October. The samples were compliant with Condition 3.1.5 as no breaches above the permitted ELVs were noted.

Samples were not taken from 6 locations (HA1A(T), HA5(T), HA9A(T), HA9B(M), HA11B(T) and HA12A(T)) as there was insufficient liquid to sample.

Surface Water

Surface water monitoring was undertaken in accordance with Condition 3.5.1(b) and (e), and Tables S3.3 (Point source emissions to water - emission limits and monitoring requirements) and S3.10 (Surface water – other monitoring requirements).

Samples results were within the compliance limits specified in table S3.3. Quarterly monitoring was undertaken during October 2021.

Dust

The Operator carried out and submitted results of dust monitoring four times in 2021 (04.05.21-02.06.21; 02.06.21-30.06.21; 30.06.21-26.07.21; 31.08.21-28.09.21).

As part of the most recent permit variation (2018), the requirements for dust monitoring were amended to quarterly as specified by Condition 3.5.1(f) – Table S3.12. Dust monitoring was not carried out during Q4 (October-December). This has not been scored as a permit breach on this occasion.

Action 5: Ensure monitoring is carried out in accordance with the Permit requirements specified.

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.