

Compliance Assessment Report CAR_NRW0039336

Permit being assessed: VP3935AT.

For: Tir John Landfill, held by Enovert South Ltd

At: Wern Fawr Road, Off Fabian Way, Port Tenant, SWANSEA, West Glamorgan, SA1 8LN.

Type of assessment carried out: Check Monitoring/Sampling, Reason: Routine.

On 31/12/2021.

Parts of permit assessed: See part 4

NRW Lead Officer: Ffion Thomas.

Report sent to: Lance Jones, Landfill Manager on 10/02/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E2 - Emissions - Land and groundwater	C3 Minor	3.1.2 table S3.1 leachate levels Q3
E2 - Emissions - Land and groundwater	C3 Minor	3.1.2 Table S3.1 Leachate levels Q4
E2 - Emissions - Land and groundwater	C3 Minor	3.1.2, 3.1.5 Table S3.5
A1 - Specified by permit	C3 Minor	2.3.1 (a)

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

Total number of non-compliances recorded	Total non-compliance score
4	16

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
E2	A submission in response to IC12 regards proposed leachate levels has been made, NRW are yet to complete assessment of the IC12 submission but this is imminently due. Until such time as an application is made to vary the permit the current limits apply.	Already completed
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E2	Ammonical limits discussed in HRA. Until permit variation application made and determined emission limit remains. Operator to apply to vary permit.	31/05/2022

Criteria	Action needed	Complete by
A1	Permit variation application required to include updated perimeter monitoring limits as per site GMP.	31/05/2022

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

This Compliance Assessment Report (CAR) is a written record of a partial review by Natural Resources Wales (NRW) of the Schedule 5 submissions for the Tir John Landfill permit reference EPR/VP3935AT in 2021.

Please note that during this review and the drafting of this report there was a global pandemic (COVID-19) which resulted in restrictions and stringent measures in place around the world.

On review of NRW filing systems no schedule 6 notifications were recorded for Q1 and Q2 of 2021.

Q3 Schedule 5 submission

Leachate Levels

There are historic records of the site breaching leachate levels captured under previous CAR forms: *There has been a long-term matter to reduce leachate heads across the site. In brief the operator has advised that the site suffers from a legacy leachate issue where large cells in a very wet area of the UK that has been hindered by capping delays has resulted in breaches in the leachate limits. There was also a matter of potentially perched leachate and a full review of the wells needed to be undertaken.*

A submission in response to IC12 regards proposed leachate levels has been made, NRW are yet to complete assessment of the IC12 submission but this is imminently due. Until such time as an application is made to vary the permit the current limits apply.

Leachate levels are outlined by permit condition 2.8.1 and 3.1.2 table S3.1.

The operator submitted Schedule 5 notifications in line with the environmental permit for leachate levels recorded above the permitted limit for the months of July, August, and September.

As a result of this non-compliance a consolidated CCS Score C3 has been recorded against compliance sub-criteria (E)(2)

Q4 Schedule 5 Submissions

Leachate Levels

Leachate levels are outlined by permit condition 2.8.1 and 3.1.2 table S3.1.

The operator submitted Schedule 5 notifications in line with the environmental permit for leachate levels recorded above the permitted limit for the months of October, November, December.

As a result of this non-compliance a consolidated CCS Score C3 has been recorded against compliance sub-criteria (E)(2)

Ground water

There are historic records of the site breaching ammonical limits captured under previous CAR forms, and it is recognised that previous annual reports and HRA discuss the issue. Until such time as an application is made to vary the permit the current limits apply.

Ground water emission limits are outlined by permit conditions 3.1.2 and 3.1.5 (ground water) Table S3.5.

The operator submitted Schedule 5 notifications in line with the environmental permit for ground water recorded above the permitted limit for the months of November.

As a result of this non-compliance a consolidated CCS Score C3 has been recorded against compliance sub-criteria (E)(2)

Gas

The operator submitted Schedule 5 notifications in line with the environmental permit for perimeter gas recorded in October.

Under Improvement Condition 17 and IC20 the operator updated the gas management plan with an addendum submitted 20/11/2013 with trigger limits for perimeter gas monitoring set at 1% v/v for methane.

No permit variation has been found including these updated emission limits, however a breach of the sites operating techniques gas management plan is recorded.

As a result of this non-compliance a consolidated CCS Score C3 has been recorded against compliance sub-criteria (A)(1)

Other comments

On review of NRW files and submissions I was unable to find a copy of the 2020 annual report. Please forward a copy of the submission made so that I can update our files.

The annual report for 2021 is yet to be received. It was noted that the Covid pandemic was impacting on obtaining monitoring results from laboratories, at that time it was not possible to foresee if an extension to submission date would be required. Please inform if an extension of the submission date is requested or submission imminent.

Action

A new regulatory officer has been assigned to the site. A request is being made to meet with site operatives as an introduction and to discuss the sites future plans and update on any variation application.

Note: This CAR report and assessment was undertaken on 8th February 2022. However to ensure that the CCS score is attributed to the correct financial year (for billing) the date on CARS system has been altered to 31 December 2021

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.