

Compliance Assessment Report CAR_NRW0039329

Permit being assessed: MP3330WP.

For: Withyhedge Landfill, held by Resources Management U.K Limited

At: Withyhedge Landfill Bowlings House , Rudbaxton, Haverfordwest, Pembrokeshire, SA62 4DB.

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: Bryan Cameron, Site 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	3.1.5 Table S4.5
E2 - Emissions - Land and groundwater	C3 Minor	3.1.5 table 4.5 phase 2 and table S4.5 phase 1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.3.2

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

Total number of non-compliances recorded	Total non-compliance score
3	8.1

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	Relates to Q3. Returned to compliance in next quarters submission. Continue to watch trends.	Already completed
E2	Relates to Q4 submission. Returned to compliance in future sampling. continue to watch trends.	Already completed
G4	Follow up meeting to be arrange to ensure notification format and submission timeframes fully understood.	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

The purpose of this Compliance Assessment Report (CAR) is to record a breach of environmental permit arising from the exceedance of a permitted emission limit.

No notifications of exceedances were found within NRW filing systems for the Q1 nor Q2 period.

Q3 2021 monitoring

Condition 3.1.5 of the environmental permit states

The trigger levels for emissions into groundwater for the parameter(s) and monitoring point(s) set out in schedule 4 table S4.5 shall not be exceeded.

Table S4.5 of Schedule 4 to the environmental permit is partially reproduced below.

Table S4.5 Trigger levels for emissions to groundwater and monitoring requirements – (continued) -Phase 2

Emission point ref. & location	Parameter	Limit (including unit)	Reference period	Monitoring frequency	Monitoring standards or method
BH4	All subsequent down gradient monitoring points installed in accordance with pre-operational measure, references 1a to 1d of Table S1.4B and any additional monitoring points agreed in writing with the Environment Agency.	In accordance with pre-operational measure, references 1a to 1d of Table S1.4B and any additional monitoring points agreed in writing with the Environment Agency.	In accordance with pre-operational measure, references 1a to 1d of Table S1.4B and any additional monitoring points agreed in writing with the Environment Agency.	In accordance with pre-operational measure, references 1a to 1d of Table S1.4B and any additional monitoring points agreed in writing with the Environment Agency.	

Emissions monitoring data submitted on 31 January 2022 reported that the measured total ammonical nitrogen result at BH4 on 13 August 2021 was 3.8 mg/l. This is an exceedance of permitted emission limits and represents **non-compliance** with the environmental permit.

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

Q4 2021 monitoring

Condition 3.1.5 of the environmental permit states

The trigger levels for emissions into groundwater for the parameter(s) and monitoring point(s) set out in schedule 4 table S4.5 shall not be exceeded.

Table S4.5 of Schedule 4 to the environmental permit is partially reproduced below.

Table S4.5 Trigger levels for emissions to groundwater and monitoring requirements – (continued) Phase 2

Emission point ref. & location	Parameter	Limit (including unit)	Reference period	Monitoring frequency	Monitoring standards or method
BH105	Ammoniacal Nitrogen	0.5 mg/l	Spot Sample	Monthly, unless otherwise agreed in writing with the Agency	In accordance with Environment Agency document 'Guidance on monitoring of landfill leachate, groundwater and surface water' (LFTGN02

Table S4.5 Trigger levels for emissions to groundwater and monitoring requirements –Phase 1

Emission point ref. & location	Parameter	Limit (including unit)	Reference period	Monitoring frequency	Monitoring standards or method
BH20	Nickel	0.05 mg/l	Spot Sample	Quarterly	In accordance with Environment Agency document "Guidance on monitoring of landfill leachate, groundwater and surface water"(LFTGN02

Emissions monitoring data submitted on 31 January 2022 reported "Sample result showed elevated levels of ammonia, nickel, phenols and cadmium." at BH105 on 12 November 2021. This is an exceedance of permitted emission limits and represents **non-compliance** with the environmental permit.

Emissions monitoring data submitted on 31 January 2022 reported Nickel reading 0.107mg/l" at BH20 on 12 November 2021. This is an exceedance of permitted emission limits and represents **non-compliance** with the environmental permit.

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

Resampling was undertaken and results compliant indicating the results were one-off.

Condition 4.3.1 (b) of the environmental permit states:

*The Agency (sic) shall be notified without delay following the detection of:
(b) the breach of a limit specified in the permit.*

Condition 4.3.2 of the environmental permit states:

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.

Part A(b) of schedule 6 to the environmental permit requires NRW be notified **within 24 hours of detection** of an exceedance of permitted limit.

The operator notified the regulator of the exceedance of permitted emission limit(s) on 31 January 2022 at 13:14. The exceedance of permitted emission limit(s) was detected in August and November.

Due to NRW staff changes the site was without an allocated officer, however the operators were aware of the Industry regulation team email inbox, and indeed this was the email address used to submit the schedule notifications.

Notification of the exceedance of permitted emission limit(s) occurred outside the 24 hours of detection which represents a non compliance with the environmental permit

As a result of this non-compliance a consolidated CCS Score C4 has been recorded against compliance sub-criteria (G)(4)

Note: This CAR report and assessment was undertaken on 9th 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.

[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.