

Compliance Assessment Report

Report ID:
CAR_NRW0034564

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

Site	Blue Circle Cement	Permit Ref	HP3799FH			
Operator/Permit holder	Blue Circle Industries Ltd					
Regime	Waste Operations					
Date of assessment	29/01/2019	Time in	10:00	Out	13:00	
Assessment type	Site Inspection					
Parts of the permit assessed	Environmental monitoring					
Lead officer's name	Peppicelli, Claudia					
Accompanied by	Ward, Tyrone,Warwick-Brown, David					
Recipient's name/position	Kara Bennett/ Envinmental Manager	Date issued	05/02/2019			

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	C3	26
	C3	26

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)	8
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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

Blue Circle closed landfill – Tarmac Cement & Lime, (EAWML/ 30016, EPR/ HP3799FH) – 29/01/2019

Environment officer Claudia Peppicelli, Ty Ward and David Warwick-Brown, attended Blue Circle closed landfill at Aberthaw Quarry on the 29/01/2019 and met with Environmental manager Kara Bennett and Senior Environmental and Safety manager David Shenton. The visit was undertaken as part of the "Closed landfill" project site inspection. Thank you for taking the time to attend the inspection and show us all the activities carried out on site. There were two minor breaches recorded during the inspection.

In the context of the Closed Landfill project this is a review of your compliance with the permit and the working plan regarding the management of the closure phase of the site and the monitoring plan.

We arrived at the main offices of Tarmac Cement & Lime to have a brief health and safety induction and to discuss with Kara and David the main points of our visit. The inspection on site was carried out with the help of a 4x4 driven by a Tarmac staff operator.

The closed landfill is part of the quarry site. As stated in the permit, the closed landfill is required during the post closure phase to carry out the monitoring for gas and groundwater. The day weather was wet and cold throughout the whole inspection. We started our inspection looking in general at the surface water drainage system. The active quarry is placed on the south east side of the site via a tunnel.

The waste mass does not have an impermeable cap and water drains through it into the surrounding quarry. A series of small ponds were observed around the waste perimeter. In the northern part water is channelled in a drainage ditch which crosses under the stone conveyor prior to an informal soakaway. In the north east a ditch drains water coming from other parts of the quarry towards a large lagoon, where it is used as process water in the industrial site. Surplus is discharged from the industrial site to the River Thaw via a main interceptor.

The inspection followed with the search for the three GW wells (GW2, GW3, MW4) and the four BH Bore Holes for gas monitoring (BH1, BH2, BH3, BH4).

We have been told that the sampling and collection of the monitoring data is done by an external contractor that carries out the operation every 6 months as stated on the permit.

Assessment of compliance Condition: G1, Monitoring of emissions & the environment

Gas monitoring system

Permit condition 25 states at table 25A that *“Monitoring installations shall be inspected for damage during each routine monitoring exercise. Defects and damage shall be noted in the site diary, remedial measures shall be undertaken as soon as possible and in any case within 1 month.”*

During the visit we could walk over the top of the closed landfill whose profile follows from a higher level on one side by the border of the old quarry (upstream) downwards to the active working quarry on the other side (downstream). Figure 1 offers a view of the heap taken from upwards.



Figure 1 View of the closed landfill and quarry from east side

The heap should be served by 4 bore holes. From 2013 BH3 is not served as reported on the monitoring data spreadsheets. BH3 is reported as missing/buried. The other three BH seemed to be in good conditions: closed and functioning valves, placed and protected by casing closed cylinders as shown in figure 2.



Figure 2 Gas Bore Hole BH#

Actions:

- If possible recover the functionality of BH3. Otherwise justify its absence based on the interpretation of the historical readings and gas composition trends.

Groundwater monitoring system

Permit condition 26 states at table 26 that *"Each monitoring point shall be protected from damage or vandalism"* and that *"...remedial measures should be undertaken as soon as possible and in any case within 1 month"*

The original design of the groundwater monitoring system was provided with three monitoring points: one GW upstream the landfill and two GW downstream. During our visit we could inspect MW4 which is the second point downstream placed in the active quarry area not far from the lagoon. The well seems to be in good conditions, protected from the infiltration of surface waters and sludge, is placed in a closed cylinder. Figure 3.



Figure 3 Downstream MW4

We struggled to find the other points. As reported in the data monitoring collection spreadsheet, GW2, first downstream point, has not been accessed from 2012 as it is described as “No longer safe to access due to cliff overhang and deep water. DO NOT SAMPLE!”. However, we consider it is important to have two fully functioning monitoring points for groundwater sampling downstream.

You have therefore scored a Category 3 breach to your permit.

We found GW3, the upstream well, hidden in the bushes. The well does not have the protective case cylinder anymore. It is exposed to intrusion of debris, surface water and leaves which make it subjected to contamination. Figure 4.

You have therefore scored a Category 3 breach to your permit.



Figure 4 Upstream GW3

Actions:

- Speaking with Kara during our visit, we understood that some resources have already been allocated for an operation of maintenance of the sampling stations. We strongly advice to replace the headworks for GW3 since having reliable readings to compare concentrations between upstream and downstream is fundamental to assess the status.
- Regarding the impossibility to access the second well downgradient (GW2) we suggest two options: a) propose measures to recover it; b) suggest alternative location.
- To apply to all the monitoring points (BH and GW): update the sampling map and provide labels at the monitoring stations and signage for the operators on site.
- Resume 6-monthly monitoring and provide results in due course.

Timeline: We would advise to carry out all the actions suggested as soon as practicable and incorporated as part of the sampling campaign.

Tarmac will also look to provide wider groundwater level data for the quarry (including well IDs and locations) and Leachability data for the clinker (comprising ~80%) of fill. This will help update the risk assessment and CSM.

Brief discussion followed on permit surrender. By carrying out the aforementioned maintenance works would be an essential part prior to application.

Having visited the site and reviewed all the available data, we can say that NRW will highlight groundwater as the main aspect to carefully evaluate. The data provided for the last 16 years show no signs of concern as the values are below the limits for groundwater quality. There are no picks, in some case the trend seems to resemble a decay curve with values gradually lowering over time, or otherwise keeping a constant level. Consequently, we suggested to keep a good level of attention in checking that these historical trends don't show sign of change.

If you have any queries relating to this form, please do not hesitate to contact me on the details below.

Claudia Peppicelli

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Email address

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**In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established
by Article 3 of the Natural Resources Body*

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034564**

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

Site	Blue Circle Cement	Permit Ref	HP3799FH
Operator/Permit holder	Blue Circle Industries Ltd	Date	29/01/2019

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	C3	replace headworks for GW3	10/05/2019
G1	C3	restore or replace	10/05/2019

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.