

Compliance Assessment Report

Report ID:
CAR_NRW0034568

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

Site	Ty Mawr Farm Landfill		Permit Ref	PP3595FX		
Operator/Permit holder	D C Shervington					
Regime	Waste Operations					
Date of assessment	05/02/2019		Time in	N/A	Out	N/A
Assessment type	Audit					
Parts of the permit assessed	Requirements within post-operational plans					
Lead officer's name	Warwick-Brown, David					
Accompanied by						
Recipient's name/position	Edd Shervington/ Operator		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	25

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	1	Total compliance score (see section 5 for scoring scheme)	4
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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

Compliance Assessment Report – Ty Mawr Farm (EPR-PP3595FX, EAWML 30161)

A desk-based audit of the Ty Mawr Farm closed landfill (EPR-PP3595FX, EAWML 30161) has been carried out by Officer David WARWICK-BROWN as part of NRW's Closed Landfill project, meeting our requirement to undertake periodic site inspections and audits of regulated facilities. The historical records of this site have been reviewed for environmental monitoring and the following outcomes have been determined.

The original permit was issued on 21/03/1995 for waste to be deposited for landfilling at Ty Mawr Farm, allowing the deposit of the following wastes: hardcore and similar inert materials which is free from vegetation and any hazardous or contaminated waste, sub-soil and top-soil, and foundry sand/slag mix.

On 09/10/1995 the permit was modified to include permit condition 8.1, which states *that 'the foundry sand/slag mix accepted at the facility shall be analysed at least every 3 months to ensure the composition of the materials remains consistent. This analysis shall be carried out by an approved laboratory and shall include a leaching test as outlined in the "method for assessment of contaminated land: interim N.R.A Guidance". Copies of these reports shall be forwarded to the W.R.A at the end of each quarter'*. From assessing NRW's historical data, it is evident that this permit condition has not been complied with. Some monitoring data for this permit condition is present on NRW's records, but only on 3 separate occasions (dated 18/12/96, 18/12/97 & 24/09/98).

The closure plan (dated 31/03/2006) stated that there was no requirement for the monitoring of leachate, groundwater or gas emissions, and that the monitoring of the drainage reens was resumed following the closure on a quarterly basis. Monitoring data for the drainage reens were received between June 2005 & November 2006, but no further results have been found.

(G1) Monitoring: permit condition 25 – category 3 breach

Following the closure plan, the licence was modified (on 30/10/2006) to include a further condition (schedule B operational condition 25), stating that *'the site shall, subject to the conditions of this licence, be operated using the techniques and in the manner described in the closure plan submitted on 31st March 2006, unless otherwise agreed by the Agency in writing'*. As mentioned, the monitoring data for the drainage reens is limited and does not comply with the closure plan, and hence the permit condition within your licence modification; **a category 3 breach** is therefore being scored for this non-compliance.

Action:

The appropriate next step would be to formally surrender the closed landfill permit. The permit cannot be surrendered until there is evidence that there is no adverse environmental impact resulting from the permitted activities of this landfill. Since the occurrence of monitoring data in the permits history is infrequent, the collection of monitoring data is recommended to provide evidence that there has been no environmental contamination from this site.

Please undertake environmental monitoring of this closed landfill to support a surrender application.

If you have any issues with this report please contact David Warwick-Brown on 0300 065 3683 or david.warwick-brown@cyfoethnaturiolcymru.gov.uk

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order.

EPR Compliance Assessment Report

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Operator/Permit holder	D C Shervington	Date	05/02/2019

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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	Please undertake environmental monitoring of this closed landfill to support a surrender application.	06/05/2019

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.