

Compliance Assessment Report CAR_NRW0039450

Permit being assessed: DP3732SQ.

For: Bryn Pica Landfill EPR/DP3732SQ, held by Cynon Valley Waste Disposal Company Ltd
At: Bryn Pica Landfill Site , Llwydcoed, Aberdare, Rhondda-Cynon-Taff, CF44 0BX.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 31/12/2021.

Parts of permit assessed: Annual returns

NRW Lead Officer: Richard Taylor.

Report sent to: Lee Foulkes, Technical Manager on 18/02/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E3 - Emissions - Surface water	C3 Minor	3.1.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.3.1(b)
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor	3.6.1(c)
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor	3.6.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	3.6.1

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

Total number of non-compliances recorded	Total non-compliance score
8	12.5

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
E3	Return to permit limits	Already completed
G4	Improve reporting management	31/03/2022
G4	Comply with permit deadlines	31/03/2022
G4	Conform to permit deadlines	31/03/2022
G4	Conform to permit deadlines	31/03/2022
G1	Conform to permit requirements for substances to be monitored and frequency of monitoring	31/03/2022
G1	Comply with permit schedules for monitoring and frequency of monitoring	31/03/2022
G4	Submit report by new deadline or ASAP	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

Bryn Pica Landfill

Permit DP3732SQ

Q1, Q2, Q3, Q4 Results

1.0 Surface Water

From Permit variation V005, Permit condition S4.3 requires monthly spot sampling of points SW07, P3BUD and P4AUD for quarterly reporting of Suspended solids, Mineral oil, AmmNi, COD, pH for SW07, and AmmNi, COD, Chloride, and pH for the latter two points. Limits are applied for each substance. However, SW07 is now permanently dry due to porous backfill. P3BUD and P4AUD were combined into a single pipe below the landfill which discharges as 'BUD'.

Because this point is a combination of 2 old monitoring points, BUD adopts the permit limits and monitoring frequency of P3BUD and P4AUD.

SW BUD	AmmNi COD Chloride pH Suspended Solids Zinc, Cadmium, Mercury, Mecoprop, Naphthalene	5mg/l 30mg/l 250mg/l 6-9 50mg/trigger level*	Monthly sample reported Quarterly Quarterly monitoring reported quarterly
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SW7	V005 limits apply	Understood to be permanently dry	Monthly sample reported Quarterly
SW1, SW3, SW4, SW8, SW10, SW11, SW12	pH Temperature Electrical Conductivity Dissolved Oxygen AmmNi Chloride COD Suspended Solids	6-9 5mg/l 250mg/l 30mg/l 50mg/l	Monthly sample reported Quarterly

Set by Bryn Pica Landfill Site Surface water management plan ref AM5456 April 2007 at 4.2.1.

- Note - SW1, SW3, SW10 are upstream and may bring excess deposits entrained within the water which has a bearing on the outflow.
- SW4a, SW8, SW11, SW12 and BPUD are downstream and are used to measure compliance to permit limits.
- Permit table S4.10 carries requirements for all new surface water monitoring points installed with the improvement programme to conform with the above criteria on permit V005 Table S4.10(2)
- NRW received the following Quarterly reports with the surface water wells measured.

Q1	SW1	SW3	SW4a	SW8	SW10	SW11	SW12	BPUD
Q2	SW1	SW3	SW4a	SW8	SW10	SW11	SW12	BPUD
Q3	SW1	SW3	SW4a	SW8	SW10	SW11	SW12	BPUD
Q4	SW1	SW3	SW4a	SW8	SW10	SW11	SW12	BPUD

From the above reports and the sites Annual report, there were exceedances in some upstream surface water exceedances which are not counted against the site for noncompliance. (SW1 AmmNi in July, and SW3 COD in March). However, SW8 – downstream in June 2021 produced a spike of 305mg/l for Suspended solids. The next highest reading for the year to September produced a reading of 23mg/l by comparison against the permit limit 50mg/l. This is a downstream point used for compliance assessment and represents a noncompliance to permit limits.

This is a noncompliance against 3.1.2 for the monitoring point listed in S4.10. and carries the potential to have caused a minor environmental effect.

- **Decision – Cat 3 noncompliance to permit limits for SW8 under permit condition 3.1.2 for suspended solids with a reading of 305mg/l against a permit limit of 50mg/l in Q2.**

4.0 points

- **Site also failed to notify NRW of the breach earning a Cat 4 noncompliance to permit condition 4.3.1(b)**

0.1 points

2.0 Delivery of Quarterly Reports

Q1 report received on 14th May 2021. Permit condition 4.2.2 states that quarterly reports should be submitted within 28 days after the end of the reporting period. The quarter periods Jan-Mar inclusive etcetera, meaning Q1 report should be submitted by 28th Jan 28th Apr 28th Jul, and 28th October each year. We award a noncompliance against the reporting period for each late report without prior arrangement. Q1 report should have been sent before 28th Apr 2021. No prior arrangement made.

- **Decision – Cat 4 noncompliance to permit condition 4.2.2 for late submission of Q1 report.**

0.1 point

Q2 report was received on 23rd Aug 2021. This should have been sent before 28th July 2021. No prior arrangement made.

- **Decision – Cat 4 noncompliance to permit condition 4.2.2 for late submission of Q2 report.**

0.1 point

Q3 report was due 28th Sept 2021. NRW received this on 15th Nov 2021. No prior arrangement made.

- **Decision – Cat 4 noncompliance to permit condition 4.2.2 for late submission of Q3 report.**

0.1 point

Q4 Report was received on 16th February after an agreed 2-week period of delay. No noncompliance is given for this.

3.0 Annual Report summary (received 14th Feb 2021 on prior arrangement).

3.1 Surface Water

Site asked for and received an extension to submit the report on 14th Feb, which was duly met. The annual report provided a summary of the surface water performance over the 2021 reporting period. It confirmed that there were no measured exceedances but did not mention the exceedance of SS from SW8 in June (Q2) and listed minimum, maximum, and average recorded values from 7 monitoring points throughout the year. The results provided in the annual report were from upstream and downstream for AmmNi, Chloride, Zinc, Cadmium, Mercury, Mecoprop and Naphthalene which had no exceedances.

The results provided showed higher levels downstream compared to upstream in maximum, average and minimum values for Conductivity, Chemical Oxygen Demand (COD), Chloride, and Suspended solids. The only exception to this was Ammoniacal Nitrogen. This indicates that the landfill is having an effect upon the quality of the surface water leaving the site.

3.2 Groundwater

Site measures 4 points, 1 upstream and 3 downstream. There were no exceedances in the measured volumes. Q4 monitoring was not reported to NRW. There were a number of substances not monitored throughout the year. Other substances were measured intermittently.

List of missing data from Groundwater 2021

- GW5 – Mercury Q1, Q2 and Q4 not submitted
- GW5 - Naphthalene Q3 not submitted
- GW5 - Mecoprop Q1, Q2, Q3, Q4 not submitted

- GW6 - Chloride data missing for May 2021
- GW6 - Mercury Q1 Q2, and Q4 not submitted
- GW6 – Napthalene Q3 not submitted
- GW6 – Mecoprop Q1, Q2, Q3 Q4 not submitted
- GW7 – Q4 not measured.
- GW7 – Mercury Q1, Q2 not submitted
- GW7 – Napthalene Q3 not submitted
- GW7 – Mecoprop Q1, Q2, Q3, Q4 missing
- GW07BH5 – Mercury Q1. Q2 not submitted
- GW07BH5 – Mecoprop Q1, Q2, Q3 Q4 not submitted
- GW07BH5 – Napthalene Q3 not submitted
- GW07BH5 – December Total Oxidised Nitrogen not submitted.
- Borehole depths and water levels were missing from GW5, GW6 and GW07BH5 for Feb 2021.

NRW received no notification for the missing data and reports. The individual missing Mecoprop data for all boreholes is potentially harmful to the environment. 4 boreholes were not monitored on each quarter. The last figures NRW had were from March 2020 which were compliant.

Decision 1 x combined Cat 3 noncompliance to permit condition 3.6.1(c) for not carrying out monitoring of groundwater Mecoprop during 2021.

4.0 points

Taking the lack of Mecoprop away from the list leaves 20 incidents of non-recording and reporting. These have been grouped together under a single Cat 3 noncompliance to permit conditions for reporting data. A Cat 3 has been given in this case because they could collectively have a minor environmental effect. One result for mercury to certain wells per year is not representative of the ground movement of the substance and the monitoring frequencies of quarterly substances which carry permit limits, like Napthalene and Mercury needs to be re-established at the sites 4 boreholes to adequately track the substances..

Decision – Cat 3 noncompliance to permit monitoring schedules on 20 occasions in 2021 under pc 3.6.1.

4.0 points

3.3 Leachate

Results for leachate depths were all within 1m from the base – all compliant.

From the 8 wells, 3 were unable to be extracted (BH P2CL1, P3A and P4B) with one P2AL1 unable to be accessed from August 21. No permit noncompliance's are applied to leachate management. From the points monitored there are no permit limits applicable, and the site produced a good set of data to track and manage leachate on site.

3.4 Landfill Gas and Flare stack

Borehole GMBH08 01 is the nearest borehole to the landfill and is connected to the gas collection network to flare. Monthly maximum levels of methane were 39.9% in November but with an Oxygen level at 0.6% meaning that this was low risk. The highest monthly oxygen

reading was 4.9% in August with a corresponding methane level of 29.3%.

Permit condition S4.8 requires Where the oxygen level exceeds 5% or where the addition of the Carbon Dioxide and Methane percentages is less than 80%, an assessment a of air ingress into the system shall be undertaken and the Environment Agency (NRW) notified in writing.

The above requirement has been avoided by the site but is placed here for reference.

There are 20 listed boreholes, with 3 offline. Site produced comprehensive data from 17 boreholes. No permit limits apply or have been breached.

3.6 Reports Received

- PC 4.2.5 – No improvement targets were set for 2021 – no update to report.
- Table S5.2 – Leachate, surface water and landfill gas cubic metres per year required by 14th Feb 2021 – Received. (Pc 4.2.1)
- Table S5.3 PI1 performance Indicators, potable water, energy used, and non-potable water used in 2021 – received (PC 4.2.1)
- Table S1.5 Quarterly waste inputs – submitted on time at each quarter during 2021. (PC 4.2.3).

3.6.1 - Reports not Received after extended deadline.

- Table S5.4 data including annual topographical survey to be submitted ASAP. (PC4.2.1(g)) under 3.6.3. Site to submit report as soon as possible. **Not Received.**

Decision - Cat 4 noncompliance to pc 3.6.3.

0.1 point

Total points 12.5

Total in 2021 12.5

Charging band for 2022 Band C

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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.