

Transcript of Facebook live event 25/05/22

PRES: Presenter

CD: Clare Dinnis

ML: Marc Liddeth

PRES: Hello, good afternoon, I'm Neil. I'm here with you this afternoon to put your questions to the Environment Agency and with me today is Clare Dinnis, who is the area director for the West Midlands and also with her here in Birmingham is Marc Liddeth who the project executive with responsibility for the Walley's Quarry Landfill team at the EA. Marc has been, and continues to deal with the situation at Walleys Quarry Ltd. Thanks to everyone who has been in touch, there were around 80 questions submitted this month to our dedicated questions thread here on the Facebook group. So to get through as many as we possibly can for you this afternoon, we have grouped several themed questions together. The theme we will be covering are- suspending the permit, capping and closure, odours, and lorries. There were a couple more on our comms and engagement approach that we will pick up at the end if we have time. It's worth noting that there are some that we can't answer for legal reasons, and there are some that fall out of the remit of the EA, but we will explain this as we go along.

So the first category of questions submitted by you comes under the general theme of suspension. We've had questions from Adrian, from Clare, from Rebecca, from Sam from Faye and another Sam. Clare we are going to come to you first, I'm just going to move the computer around so everyone can see you. Could you explain more about this first question?

CD: Right, thank you Neil and hello everybody, and thank you first of all before and I start and answer that first question for engaging with us in this way. This is a new way for us to be talking to you the community, which means we are learning. I'm quite sure you will, but please do give us feedback for how it has been for you and what you would like in future months and please do bear with us because we are learning as we do this.

So, suspension of the permit. So, first of all I do need to be clear on a generic basis, this is not just related to this site. We can only suspend operations on a waste site including waste coming into the site when we've got evidence that meet the specific tests set out in the environmental permitting regulations. That's not just about permit breaches. But any permit breaches must involve risk of pollution if we are to consider suspending the activities. We know, and we've known, and we've talked about knowing all along, that there are individuals in the community who very much want to see the operator Walley's Quarry Limited suspended from taking waste into the site. It's important to note that everything we are doing is about continuing to hold Walleys Quarry Limited to account for the hydrogen sulphide emissions from the site and to ensure that the company is taking all the actions it needs to, to be compliant with the environmental permit. Now the latest of those was the enforcement notice that we served on Walleys Quarry Limited on the tenth of May this year, and that requires the company to improve its waste acceptance procedures that's part of its written management systems. We had to give it a deadline, and that deadline is the tenth of June to do that this year and that is what we consider the appropriate and proportionate action to take on this occasion. Any enforcement notice is subject to a right of appeal and the period of that has not yet finished. Our strategy for dealing with landfill gases at Walleys Quarry has been and continues to be

for Walley's Quarry Limited to contain, to capture and to destroy landfill gases and over the last four weeks we have seen more gas being contained and captured and that gas then going to destruction. Our air quality monitoring units, our AQM units, have also found over that same period less hydrogen sulphide in the emissions that have been measured. We are going to continue to hold Walleys Quarry to account for this. We're going to continue to require the company to undertake all appropriate measures to control the landfill gas, not just now, but until those levels have come down in the future.

PRES: Clare, thank you. Moving on next to our NN: Moving on now to the subject of closing and capping the site. Steph asks whether what Boris Johnson recently declared in parliament i.e. permanent capping of the landfill already what was planned and supposed to have been completed last year which failed (capping of cell 1) or does it mean capping of the whole site? If so in any case, why are lorries with waste still allowed to enter the site and dump? Shouldn't it now just be the capping materials?

And a second one from Steven, Steven wonders if it can be profiled and capped off tomorrow? Does it have to reach a certain height or is there enough rubbish in there to do it now? Marc, can you give an answer to these please.

ML: Yes, thanks Neil and thanks Steph and Steven for those questions. I will come to Steven's questions first and the profile and capping off tomorrow. So with a landfill site, in this case Walleys Quarry LTD, there has to be certain final levels that have to be reached and they are set under the planning conditions which is granted by Staffordshire County Council. Now then planning permission that is set in place from Staffordshire County Council determines what height that landfill has to reach and at present the phases 1 and 2 have reached their final levels, but there are obviously still voids within that landfill that has to be filled to get to the planning conditions that are set within that permission. So what we are fining ourselves in at the minute is that those final levels in phase 1 and phase 2 have been reached, those final levels under the planning conditions, and the next phase now is the capping that is taking place on phase 1 and 2. So this comes to the question and the point that is raised by Steph around is it a case that the whole site is being capped or just parts of it, and the answer to that is parts of the site. Each part of the site will be capped once it reaches that final level, and the capping of the site all comes into play based on the capping and phasing plan that has been set by Walleys Quarry Limited and which we have reviewed and approved of. So, when the permanent capping was begun in early April, we are seeing good progress made by Walleys Quarry Limited in carrying that work forward, and that is still on track, hopefully to be completed in June. The permanent capping material that has gone into phase 1 along with the additional wells that have been put into phase 1 will give us the confidence that gases will be contained from the capping material, they will be captured from the gas infrastructure and the overall impact of that means that there should be less fugitive emissions going into the atmosphere and therefore for odour nuisance to be reduced. What Walley's Quarry is meant to be now doing through phase 2 is now applying a temporary capping material and that also is part of the agreed capping and phasing plan, and where Steph mentioned that something failed. We believe that question is relating to the temporary capping solution that was used by Walleys Quarry of posi shell. Now that was always meant to be a temporary capping solution. The more permanent solution was that phase 2 be covered, that has been done now, it has reached its final levels and the temporary capping material now being used is of a clay format and that is something that we have approved. We will see a much better capping in

place to contain those gases than what posi shell was doing as it came to it's end of life. So, Neil I hope that's answered those two questions.

PRES: Brilliant, thank you. We'll stay with you Marc, but a final question on this from Rebecca. Rebecca is asking what is the line in the sand as far as permits go? Is there a no or degree of severity of breaches that would constitute unfitness to operate or can permit holders breach as many times and as severely as they wish? Just receiving a tap of the knuckles.

ML: So, the Environment Agency can take enforcement action against an operator, including Walleys Quarry Limited, for permit breaching. That can include prosecution and revocation. The Environment Agency will also consider the competency of an operator at any time, so the test for the operator's competence is whether or not the operator can or is likely to comply with the permit conditions set within their environmental permit. So, where we look at the history of an operator, and this does include Walleys Quarry Limited, of non-compliance against their permit conditions, so where we have scored them in a breach of a permit condition, the Environment Agency has to also consider the operators response to each of those breaches. So, we will provide advice and guidance on those breaches, we may even also include specific actions with deadline dates that they have to meet and carry out to remedy whatever breach has been caused and to demonstrate what they have put in place is satisfactory enough to mitigate that breach occurring again. So, an operator can cause breaches, but as long as they demonstrate to us that they have put the actions in place once we have gone through the actions of that, then we can continue to look at if the operator is still competent to carry out that role.

PRES: Thank you Marc. Let's move on to a different subject now and that of odour. Moving on to odour now. Quite a few questions around this, and we start with Christine. Christine says: A year ago, Clare Dinnis said that she "Hoped/expected" that the chronic problems with LFGs from WQ would be resolved in a year. We are now 16 months on from the point where the issues became substantially more severe. In a recent EA update it was suggested that the level of inconvenience that the community has to expect and endure from time to time, with weather/seasonal changes, has been increased by the EA. Does this mean that the problem has escalated in the past year and that the EA knows that we will never get to a pre2021 level of nuisance from LFGs, or does the EA still HOPE to resolve issues sufficiently in the NEAR future, to pre2021 levels? If so, when can we expect such? If not, why not? Please be explicit, detailed, direct, and honest.

Sian asks Do you feel that you have this situation under control. Have you asked for advice from experts outside of the EA? If after 18 months + you still haven't managed to get it under control, then are you going to call experts in?

Sue asks why have you not used a drone that monitors H2S on the site to identify hot spots?

And Clare, the Environment Agency's response?

CD: Thank you Neil and thank you all of you for the questions in there, I will try and take each in turn. So, before I start, some of you might have seen the communication in the Facebook group today that we came back to Christine to clarify the point in that question about what you'd said

around the recent EA update, because I really wanted to make sure I understood that, because that's not the message that we intended to be giving, so we came back to you to talk about where. So, the weekly update talks about how we could expect to see short term fluctuations in concentrations of hydrogen sulphide. It talks about, as you've said, how those are affected by weather. What we are not saying through that is that the community should be expecting the levels of odour or the levels of emissions to be higher than what you've experienced in previous years. So I do need to be clear on that. So, if we then come onto the question around will it ever be at pre 2021 levels again? So, based on the experience that we have and the expertise that we have, thinking about some of the other questions, around regulating other landfills, and that's just not we in the team, that's within the Environment Agency, then we do believe the work that we've required Walleys Quarry Limited to carry out under that contain, capture, and destroy strategy will be effective. We have always said, and I think this is where some of the points come in, we have always said that no landfill, including this one, Walleys Quarry, will ever be completely free from odour, but we do anticipate levels returning to where they have been in the past, where we have conducted the previous air monitoring studies. I'm referring to those in 2017, 2018 and 2019. Now, levels of hydrogen sulphide at the end of 2021 were significantly lower than they were in the Spring of 2021, March 2021, in particular. Those levels began to fall in May 2021, after that capping work had been done of the part of cell 1 that had been finished. It is true that we didn't say anything else, there have been episodes where emissions went back up, at the beginning of 2022, but those have come back down again. We are seeing that trend being that the recent data shows that being temporary. There's a number of different reasons for that, but one of the reasons is that Walleys Quarry Limited has just finished installing some additional gas wells into the latest, the newest mound of waste there, where we've reached the final levels, and the capping work has been done. That additional capture of gas has brought those levels back down again.

So, I will go onto the questions from Sian and Sue.

Ok, so Sian you've asked the question about the situation being under control and asking for expertise. So, you know landfills are not straightforward, they are complex, and they are dependant on the individual situation. The Environment Agency has within it some of the most experienced landfill experts in the UK and we have been all the way through using those in helping us to manage the situation here at Walleys Quarry. What's important is that we all remember that it is the operator, Walleys Quarry Limited, who has responsibility for bringing the situation under control and keeping it that way. So, what our experts have been doing is assuring what is happening and saying when it is not good enough. Also, an independent group of experts, was convened by the chief scientist at DEFRA, the Department for the Environment, Food and Rural Affairs, to look at air dispersion modelling, to look at gas management and leachate. So, absolutely this has not just been about the Environment Agency experts, this has been looked at independently. We have answered questions on that, and findings have been considered there.

And then Sue's questions specifically about drones. So, Sue we don't used drones to monitor landfill gases, hydrogen sulphide or other gases. What we require in all cases, is the operator, in this case Walleys Quarry Limited, to as part of their permit carry out what we call fugitive emissions surveys across the landfill. That tells us what the emissions are across the whole surface of the landfill. We see the results of that data and it helps us to understand the effectiveness of the capping and if there are any hotspots that have been identified. Then we require the operator to take urgent action to address those, and the next emissions survey tells us what's happening. So that's the process we use, rather than drones.

PRES: Ok, thank you very much indeed Clare. Sue has written to say that she would like to see the amount of gas captured on a monthly basis please over the last year so that we can see this increase as it seems to be the same figure repeated. Sue, this is available on the public register, but we can make it available on Citizen Space for you. We'll put the link in the comments after this session.

Our next topic has been the subject of many questions, also lots of talk on Twitter and here on Facebook over recent weeks – that of lorries and their loads. Again thanks if you got in touch. Let's start with comments and questions from a number of people: Sarah, Faye, Steph, Kevin, and others about lorries coming and going, what have they been carrying, naming specific hauliers, why they don't turn up to site when we're there, as in the EA. The point many people were making was that they believe that the lorries are hiding from the EA and that some had come a long way in terms of travel.

Certainly a hot topic on the Environment Agency social media pages. Marc Liddeth to you on this one, please if I can.

ML: Thank you, and as Neil has said, it is a hot topic and something that's been picked up recently because of us being in the community, our visibility carrying out our regulatory role. So I understand that there's a huge amount of interest from the community on this subject. This is a very tricky subject for us to talk about, and you'll have seen how we've talked about investigation and work. However, I can't at this moment in time talk about some of those specific questions that have been posed to us. It's something at this moment in time that we simply can't answer and there are reasons for that. However, what I do want to assure everyone is that in terms of the questions that they have asked around this subject matter is that as soon as we can share more information, I can assure you we will do. We will do this either through this type of format or from our Citizen Space page update and I can understand that may be very frustrating for those of you who took the time to pose those questions to us. What I can say about the Environmental Permit is to make people aware of a difference between the environment and the planning permit. The environmental permit that we regulate against does not control the numbers of deliveries of waste that go onto site. So, that doesn't control the numbers of vehicles, HGV's that go onto site. I know there's a question that's going to come further on that I will give a bit more details around those numbers. What our permit does limit us to, and what it concerns us with is annual tonnage. That's the amount of waste that the operator can take within a year. That's as much as the environmental permit can handle, and Neil I will just come back to the point, and I know it's frustrating for people to not have answers on some of those questions, but I assure people we will answer those questions in more detail when we can.

PRES: Ok, Marc thank you. Moving on to some more detailed operational issues that people are interested to hear about.

Emma asks what measures have been put in place since the 3 major breaches in January? Clare, can you give us an answer on this one please.

CD: Thanks Neil and thank you Emma for that question. So, you've asked about the measures, and you are right, what we have to do when we identify breaches is to say that there are specific actions that we require the operator to carry out, specifically to remedy those permit breaches. In January 2022 those measure included some repairs and some replacement of the landfill gas infrastructure.

They included work to restore access into the tipping areas, so that it could carry on in phase 1. That was really important as the priority was to get that up to height so that Walleys Quarry Limited could cap it and contain the gases there. Also a review of the environment management system. Now, we have to give a deadline, we gave a deadline. We have to assess whether those measures were met to satisfaction, and by that deadline. In that case, the January 2022 actions, they all were.

PRES: Thank you. Let's go to another question now. Steph wants to know if anyone looked into the leak on the Galingale side of WQ the weekend it was reported recently, or has it been investigated since? Marc, can you pick this one up.

ML: Thanks Steph for the question. So, for information after the reports were received, we did go out on site on the 16th of April. They found that the pipe, or the pipe that was causing the leak, was connected to their odour management system. This is the system that sprays a mist into the air, and that water produces a mist, it also has a fragrant solution. That fragrant solution is also a way of masking low odours that come from the site. Now that leak we investigated and found that it was a very low volume of leakage, that was coming out. Where it was leaking to onto the surface, it wasn't coming out and going into the vicinity around or running into any other water course. What we did find is that it was going into the ground on site. What the operator did was to carry out repairs on that pipe and we have also double checked as to any potential issues on the local watercourse. Some of you may be aware of SONS. These are water quality monitoring equipment, both upstream and downstream of the landfill site. They've been there for a significant amount of time now. We've found no data that says there 's been any pollution from that incident or any other incidents. So there is further information on our Citizen Space page Steph and anyone else who is interested to see what we did around that time, it's on our update on the 22nd of April on the Citizen Space page. So hopefully Neil, that's given Steph assurance that we did investigate it.

PRES: Ok, thank you Marc.

Next up is the subject of final height of landfill and gases.

Tina says that given that both this year and last the trend was for gas emissions to significantly increase immediately prior to the landfill active area reaching maximum height and a capping phase, do you still maintain that this increase is nothing to do with fresh waste deposition?

Clare Dinnis?

CD: Ok, thanks Neil and thank you Tina. So I think the first thing to say is that it's not unusual for us to see increased odour at landfills when waste reaches those final levels but hasn't yet been covered. That's why we want to get the capping and phasing plan, so that covering happens as soon as possible and minimises that period. Since then, Walleys Quarry Limited has increased gas capture from additional wells in the area where those levels have been reached as I talked about earlier, over the same period those emissions have dropped back down again, so that gives us confidence that those emissions are related to that gas infrastructure, and they are reducing. As I've also said in relation to the question previously from Emma, about what happened with the January breaches, we believe those temporary increases in early 2022 were primarily attributed to those shortcomings

in landfill gas management which have been addressed through the actions that I've explained, and the outcome has been that we have seen gas capture increase and the emissions reduce.

PRES: Ok, thank you Clare.

Let's go to Steven. Steven says in the 2019 Newcastle-under-Lyme air pollution report, air pollution in areas around NUL exceeded legal limits. Air pollution related illnesses at Dr's surgeries in the vicinity of WQ were above national average - why were the number of HGVs going to WQ increased? Who gave the go-ahead for them to be doubled daily?

Project executive Marc Liddeth.

ML: Thanks, and thanks Steven for that question. I mentioned earlier that we'd come onto this subject about number of vehicles or lorries going into the site. So, the environment permit that the EA have with Walleys Quarry does not control the number of vehicle movements. This is managed under condition 15 specifically of Walleys Quarry planning permission granted by Staffordshire County Council. That states that the number of HGV's entering or leaving the site should not exceed 880 per working week. What that basically means is 440 in, and 440 out. So, in terms of the no's, in terms of increasing, I can't give any information to say if it's increased, or if it has doubled, because that doesn't fall under the remit of the EA and the environment permit that we hold, that would be determined for by that planning permission set by Staffordshire County Council. What I can say is that Walleys Quarry Limited have to comply to both that planning permission limit, when importing the amount of waste, has to meet and not exceed the annual tonnage that's set within the environmental permit. So, the number of vehicles coming in and the waste that's brought in, they have to make sure that they do not exceed the limit that's set by the environmental permit.

PRES: Ok, thank you Marc. Let's go to Jessica then. Jessica asks what further actions can RED take to lower the emissions? Let's go to Clare.

CD: Ok, thank you Jessica. So, I have to clarify a legal point here. The question mentions RED. That's a separate company to Walleys Quarry Limited and the permit is with Walleys Quarry Limited and therefore it's that company's responsibility to bring the landfill gas emissions down. Within that I've talked about the EA strategy of contain, capture, and destroy, but I've also talked about lots of different actions that Walleys Quarry are doing, and that we're requiring them to do. Over recent weeks and months, they've been updating the landfill gas management plan and the phasing and capping plan. Marc has already spoken about. Now those are documents that are in place but require regular updates as the landfill is filled and that progression comes on. It would have talked about capping of phase 1 in the spring of last year and it talks about what's happening right now. What the EA has to do is review those documents, review the proposals that are put forward by the operator and agree that they contain the necessary actions for the company to take to control the emissions to contain capture and destroy landfill gases. We've required Walleys Quarry to do that, we've required them to follow those plans. If you want more detail, more information, or a summary, then our plan on the Citizen Space page, which is the plan to achieve the reduction in hydrogen sulphide levels contains the information about that. It is regularly updates, it was last

updated in February of this year and it's going through an update now. So we'll make sure we post in the Facebook Group when that new one is live, in the next few weeks or so.

**** END OF Q&A, Presenter wraps up asking for feedback and advises Questions Thread opens on June 6, a week later than will be usual due to the Jubilee long weekend ****