

News Release

EA21007

25 May 2021

ENVIRONMENT AGENCY TAKES ACTION ON PERMIT BREACHES BY NEWCASTLE UNDER LYME LANDFILL OPERATOR

- Environment Agency identifies a further five breaches of the permit operated by Newcastle under Lyme landfill operator Walleys Quarry Ltd
- Company issued with three Compliance Assessment Reports (CAR) which identify the five breaches and the actions they need to undertake to reduce odour
- Walleys Quarry Ltd has been set deadlines for actions identified in the CAR forms

The Environment Agency has issued Walleys Quarry Ltd with three Compliance Assessment Reports, identifying five permit breaches.

The breaches were for general management failures related to a late surface emissions survey and inadequate related remedial work; failure to review the procedures for managing dust on site; and odours offsite being directly attributed to the site.

Compliance assessment reports form part of the Environment Agency's formal regulation. The Environment Agency now legally requires the operator to complete a significant number of actions to rectify these breaches. These include:

- By 1 June complete the actions it has identified following its surface emissions survey work.
- Repeat a full surface emissions survey by 18 June and report its findings by 25 June to allow the regulator to evaluate the effectiveness of the actions.
- Investigate the integrity of the gas utilisation plant and flares system and submit a detailed report of findings by 4 June.
- Complete a methane flux box survey, which is a different type of emissions survey used to test the capping, by 30 September*.
- Submit a revised dust management plan by 14 June.

A spokesperson for the Environment Agency said:

"We're sorry the community are continuing to experience odour from Walleys Quarry. We are doing everything within our powers and within current legislation to bring the operator into compliance. This will take time and is not because we are not doing anything, or don't care, it's because, like anything involving legal processes, we have to ensure it is right and will be successful.

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“We have issued Walleys Quarry Ltd with a large number of actions to complete, most in a very short-period of time. This work needs to be done as a matter of urgency given the ongoing odours the local community are suffering from.

“We will continue to hold the site operator to account to improve its management of landfill gas from the site and do everything within our power to bring the site back into compliance with its permits as quickly as possible.”

Walleys Quarry is an active landfill. The Environment Agency understands that many residents would like it to be closed. Closing the landfill would not stop the odours emitting from the site, and these odours would still need to be managed.

*Methane flux box tests are a tool used to detect the amount of leakage of methane gas through landfill gas restoration capping layers.

Ends

Background

Walleys Quarry Limited are formally known as Red Industries RM Ltd.

These documents have identified five breaches of the company’s permit and form part of the Environment Agency’s formal regulation of the site.

The Environment Agency required Walleys Quarry Ltd to produce an action plan following them undertaking a surface emissions survey. Both of these documents were received on Wednesday 12 May. These technical documents were assessed by a team of experts before a CAR form could be issued to Walleys Quarry Ltd which included a requirement for them to complete the actions in their plan.

A CAR form was issued following an assessment of the surface emissions survey results and an action plan submitted by the company, which identified two breaches of the company’s permit. The breaches relate to general management failures, for failing to follow their Odour Management Plan and Landfill Gas Management Plan. The second breach was a failure to complete adequate surveys in terms of the scope and frequency of the surface emissions plans and undertake the appropriate remedial action.

A further CAR form was also issued last week following a review of the company’s dust management procedure, for which additional information was requested. A breach has been recorded as the site did not review their dust management procedure at the frequency specified in their permit.

The third CAR form issued to Walleys Quarry Ltd relates to a site visit on 7 May to review the progress of the capping work. Prior to arrival on site, landfill gas odour was detected offsite. As the same odour was detected on site, this was attributed to the site and two breaches of the site’s permit have been recorded associated to this.

As a regulator, the EA must follow the requirements of the Regulators’ Code; a framework for how regulators should engage with those they regulate.

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In response to the rise in complaints from the community, the Environment Agency has made 16 site inspections and 53 odour assessments since 1 January 2021. Over this period the EA has now identified 10 instances of non-compliance and in each case we have required the operator to take immediate action to bring the site back into compliance.

The Environment Agency served an enforcement notice requiring the operator (Walleys Quarry Ltd) to take appropriate action to minimise odour including installation of permanent and temporary capping. The Environment Agency will continue to review its position, in accordance with its published enforcement guidance.

The Environment Agency has been working with public health partners Public Health England (PHE) and Staffordshire County Council, along with Newcastle under Lyme Borough Council, to understand any risk that the site may pose and provide the right advice to the local community.

Dates of breaches

18 May

A minor breach has been recorded as the site did not review their dust management procedure at the frequency specified in their permit.

19 May

Two breaches in total. One for failing to follow their Odour Management Plan and Landfill Gas Management Plan. A second breach for a failure to complete adequate surface emissions surveys and undertake the appropriate remedial action.

21 May

Two breaches of the site's permit were identified, one relating to odour being detected off-site and the second for appropriate measures to minimise odour not being taken by the company.