

Walleys Quarry (Landfill) update – 18 March 2021

This is an update following our original briefing issued to MPs on 11 March 2021. We recognise and understand ongoing concerns raised about odour in Silverdale, Newcastle under Lyme, and surrounding areas. We continue to have Environment Agency officers in the area but our primary focus over the past 7 days has been on an audit into the landfill gas management on site. As previously stated, we believe landfill gas management is the most likely source of the increase in odour complaints.

Landfill gas audit

The audit into the landfill gas management at Walleys Quarry is part of our ongoing regulation of the site and also in response to the high level of complaints we have received. Through that audit we have identified two breaches of the company's permit. The legal regulatory framework, and therefore the Environment Agency's regulatory approach where permit breaches are detected, is for the regulator to be clear on the actions needed to bring the site back into compliance with its permit and then to give operators a specific amount of time to respond to those actions.

In line with this, the Environment Agency has issued Red Industries with a Compliance Assessment Report (CAR) which provides a summary of our assessment, details where we believe breaches of the company's permit have taken place, and the actions it needs to take to return to compliance with the permit.

The two breaches we have identified relate to the management of landfill gas and its extraction:

- A significant breach classified as CCS2 in accordance with our compliance guidance. This relates to gas wells being disconnected while waste was raised to the levels required by the site's planning permission. Whilst it is not uncommon for wells to be disconnected for short durations, we considered the length of time these were disconnected was not acceptable. We also did not consider this to be in accordance with the operator's own procedures.
- A minor breach classified as CCS3 in accordance with our compliance guidance. This relates to the failure to notify the Environment Agency that infrastructure to manage landfill gas had been compromised by flooding from surface water and failure to take actions to resolve this in the shortest time possible.

Following our ongoing discussions with the company, it has also agreed to:

- Provide an updated plan of infrastructure for managing gas collection.
- Submit the results of a surface emissions survey to be carried out by the site following completion of the installation of new wells in February 2021.
- Ensure any planned disruption to infrastructure is managed in accordance with the site's Landfill Gas Management Plan and it is for the shortest time necessary.
- Install horizontal wells which pass through the waste being deposited on the active area of the site to collect landfill gas.
- From 15 March 2021, submit weekly reports to the Environment Agency on progress with regards to gas collection.
- By 26 March 2021, submit a report to the Environment Agency on its response to the complaints received over the weekend of 26 - 28 February.

We welcome the fact that Red Industries have voluntarily started to implement the actions required to address these issues and has chosen to voluntarily curtail landfill operations to focus on these actions. We will be closely monitoring Red Industries' progress over the next seven days, and will make decisions about further action as necessary.

Air quality monitoring

Both specialist air quality mobile monitoring units are fully operational and collecting monitoring data continuously. They monitor parameters related to landfill gasses, including methane (CH₄) particulates (PM) and hydrogen sulphide (H₂S). They will remain in place for at least 3 months.

The units also have the capacity to collect weather data. We have replaced the wind sensor which was not working on the unit at Galingale View. This had no bearing on the collection of data for the other parameters at this unit. The second unit, at Silverdale Pumping Station on Silverdale Road, continued to collect wind data as well as all other parameters. The wind data from the unit at Silverdale Pumping Station can be used in conjunction with monitoring parameters from both units.

The locations of the units have been determined after reviewing odour report locations and identifying where we have received a high level of reports. The location of the monitor must also be in a secure location with a dedicated electrical supply which must be assessed and approved before operation.

Data will be collated into a full report which we will give to Public Health England to provide expert opinion on any human health impacts. We will then share the findings with local residents and interested parties, including an assessment of any environmental impacts.

We have also investigated options to consider, in partnership with Newcastle under Lyme Borough Council, Staffordshire County Council and Public Health England, further air quality monitoring options that meet the regulatory needs of all partners. This will be considered at a multi-agency regulatory group this week (see below).

Multi-agency response

We noted in our last update the importance of a multi-agency response so that action on the range of issues is coordinated no matter where the responsibility sits (see below for brief outline of remits). Through the Local Resilience Forum we held a Technical Assessment Meeting on Thursday 11 March and have agreed to coordinate both regulatory and communication response. The Environment Agency will chair both these groups and all relevant organisations are invited.

- **The Environment Agency** regulates the two environmental permits held by Red Industries RM Limited ('the operator') for the landfill. The Permit covers onsite activities with the aim of minimising the impact on the local environment in terms of air quality, noise, odour, dust, leachate and impacts to groundwater. We enforce that permit through monitoring and undertaking site visits (both announced and unannounced) and where needed we take enforcement action to address compliance issues.
- **Staffordshire County Council** is responsible for determining planning permission across the area. The Environment Agency comments on planning applications. The Council also has responsibilities for traffic movement. This is part of planning permission for the site and is not included in the Environment Agency permit conditions.
- **Newcastle under Lyme Borough Council** is responsible for regularly monitoring air quality across the area, to ensure that it does not impact human health.

- **Public Health England** provide guidance and advice on risk to human health. If residents have health concerns then they should contact their local GP in the first instance.

Extraordinary Meeting of the Council called by Newcastle under Lyme Borough Council elected members

We welcome scrutiny and feedback from elected members. Tackling the odour and amenity issues in this area are complex and we have been engaging with our partners, all of whom have a role to play in situations involving odours, to address local community concerns over a number of years. Newcastle under Lyme Borough Council is one of the organisations we have been discussing the ongoing regulation of this site with. Other partners include Staffordshire County Council and Public Health England. It is however untrue to say ‘the Environment Agency has failed to take the concerns of local people seriously’.

We have and continue to use our full regulatory powers to regulate the site in accordance with the legal framework. We undertake a significant number of planned and unplanned visits, inspections and audits. Any regulated site is at risk of breaching its permit depending on environmental conditions, technical issues with complex site operations and other factors. We expect companies to address such breaches quickly and effectively and we will take action to ensure this in line with the legal framework.

Since the start of this year we have conducted five site visits, 21 amenity assessments and one audit of the site. This is not unusual for our regulation of this site but is considerably more scrutiny than many other sites across the country.

While we understand residents want the issue to be resolved we do not believe that closing the site would achieve this. Landfill gas is created as waste decomposes over a number of years after it has been buried. Ensuring future stability and management of landfill gas leachate and surface water is a critical part of the permit and a costly undertaking to which any permit holder has to commit as it continues even after closure and final capping.

The Environment Agency’s regulatory approach is to ensure an operator remains accountable for their business operations and compliance with their permit for the lifetime of the site and beyond.

Ongoing communication with MPs and the community

Our focus at this point in time is on regulatory response to bring the site back into compliance and address these issues. We will continue to keep both MPs and residents updated through this weekly briefing and our website: <https://consult.environment-agency.gov.uk/west-midlands/walleys-quarry-landfill-sliverdale/>

We also attended a Newcastle under Lyme Borough Council hosted round table discussion with partners and local business representatives on Wednesday 10 March to listen to concerns and impacts and explain the action we are taking.

We encourage residents to report any concerns regarding the site by email to ics@environment-agency.gov.uk. We are asking residents to use our email address as our incident hotline is primarily for people to report new issues about which we do not know and which are not yet being acted upon. With the volume of calls we have received on this issue there is a risk that a call on a different, new and urgent issue could be missed.