

Mr Martin Hamilton  
Chief Executive  
Newcastle-under-Lyme Borough Council

**Our Ref:** CC15154

**Date:** 8 March 2022

**Sent via email**

*Dear Mr Hamilton*

**Formal complaint regarding enforcement at Walleys Quarry landfill site**

Thank you for your letter of 10 February 2022.

We all recognise the distress the local community has experienced as a result of hydrogen sulphide (H<sub>2</sub>S) emissions from the site. The Environment Agency is committed to finding a long-term solution as quickly as possible, and our officers have been working tirelessly to do so. We are putting more resources into this site than any other of the 1,000-plus waste sites we regulate across the country, and I am giving it my personal attention: I visited the site and talked to residents in November 2021.

You raised a number of points in your letter: let me respond to each in turn.

Regulatory approach at Walleys Quarry

The EA continues to require the operator to comply with the landfill permit and take all appropriate measures to control emissions as quickly as possible, including asking for further action when needed. Any action needs to manage the risks and uncertainties associated with landfill gas management.

Your own Borough Council is represented at the Strategic Coordination Group (SCG) which brings together all the key players needed to address the challenges of the site – Newcastle-under-Lyme Borough Council, Staffordshire County Council, the EA, the UK Health Security Agency and the local emergency services; and the Borough Council also sits on the SCG's Regulation and Enforcement sub-group. So you will know that various scenarios have been considered to address the issues at Walleys Quarry, and that the SCG has endorsed the sub-group's conclusion that the best long-term solution is for the EA to continue regulating the operator to ensure all possible measures are taken to contain, capture, and destroy the landfill gas.

Our regulatory approach to date has delivered an overall downward trend of H<sub>2</sub>S levels at all four of our air quality monitoring units since we started capturing this data in March 2021. Since December 2021 the work we have required the operator to carry out has resulted in more landfill gas being collected and treated which previously could have escaped into the atmosphere. H<sub>2</sub>S concentrations in the bulk gas at the gas utilisation plant on the site have decreased from 7800ppm in June 2021 to 2300ppm in January 2022. In March 2021 we took enforcement action to require the installation of more than 30,000m<sup>2</sup> of capping by 30 April 2021. The

operator complied. As the current tipping phase is nearing completion, the operator has begun works to progressively cap this area. The EA has made it clear to the operator that this must be a priority. Tipping and capping in successive phases will follow. We expect this work to continue to have a positive impact on gas capture. Additional gas extraction wells will also be drilled to extract more gas.

Last month we published our updated regulatory plan to reduce H<sub>2</sub>S emissions. That plan assesses the impact of the measures we have already required of the operator and sets out the next steps the operator must take to continue to reduce ambient H<sub>2</sub>S levels. We have set timescales for completion of the various actions which are challenging, but reasonable for the operator to deliver. You will have seen that the Court of Appeal has confirmed that the EA is acting properly in requiring the operator to take appropriate steps to address the problem and in keeping the situation under review.

### Temporary increase in H<sub>2</sub>S levels during January 2022

You are right that there was a temporary increase in H<sub>2</sub>S emissions during January this year: as you know, we publish this data ourselves on a weekly basis so all can see it. We understand that this may have led to concerns about the efficacy of the current approach.

However, as you will be aware, levels fell very quickly, and in the week commencing 31 January 2022 they did not exceed the World Health Organisation's 30-minute average odour annoyance guideline level at any of the mobile monitoring facilities. This was in no small part due to the swift action of our officers in identifying the contributing factors and requiring the operator to take immediate action. The temporary increase also coincided with a period of cold, still weather. The EA has been clear with the public and the SCG that we do expect to see short term fluctuations in the concentrations of H<sub>2</sub>S leaving the site due to changes in the weather (the gas disperses less easily in cold weather) and the temporary impact of further improvement works at the site.

The key fact, as the data shows and I hope you will publicly recognise, is that the overall trend in H<sub>2</sub>S levels around the site has been consistently downwards for several months. That gives us a high degree of confidence that our approach is working. We will continue to do all we can to further reduce odour from the site to the minimum possible.

### Longer-term

We need to be clear however that however hard we and our local partners work the odour from Walleys Quarry is not going to totally stop. All landfill sites, even the best managed and most tightly regulated, smell sometimes. The permit does not require the elimination of all odour outside the site boundary. And as you know, local decisions mean that houses have been built very close to the site where the topography results in some emissions having greater local effect.

I understand that this has been discussed at the SCG and that it was your suggestion, which the EA fully supports, that we transition to a longer-term footing to

help the community move forward from this difficult period. Doing that will have to include being honest about the likelihood of continuing sensitivity to odour.

### Health impacts on residents

We naturally share your concerns about any potential health impacts for residents from emissions from the Walleys Quarry landfill site.

The EA's role is regulation of the permitted site. We are not responsible for public health. But we do want to ensure that everything we and others do helps protect the public. That is why we have actively sought to work with those who do have public health responsibilities, including Newcastle-under-Lyme Borough Council, Staffordshire County Council, and the UK Health Security Agency; and why we are basing our operations on the professional advice of the UKHSA and World Health Organisation. I think it is important that in our public statements all of us are guided by that advice and by the UKHSA assessments of public health risk so as to avoid giving rise to any unnecessary alarm.

### Meeting with Secretary of State and Defra Officials

Thank you for letting me know that you have requested a meeting with the Secretary of State and Defra officials to discuss alternative interventions at Walleys Quarry. If you are aware of any viable alternative measures which will deliver a quicker or better solution in either the short or long term, we would welcome hearing them. We would also expect you to share them with the SCG.

### Response to your complaint

I do not agree with your assertion that the EA's interventions at Walleys Quarry have been "ineffective and woefully slow to deliver for the residents". The evidence is clear that our interventions are progressively making a difference for the better. As you know, the issues at Walleys Quarry are complex and the practical solutions we have put in place to reduce the landfill gas emissions inevitably take time to work.

You ask whether the problems lie in the regulatory regime itself or in the EA local team's application of it. There is an important debate to be had about whether the current regulatory regime for waste sites, and planning decisions relating to them, are exactly as they should be, but those are ultimately questions for the government.

The performance of the local EA team *is* a matter for me. What I can tell you is that our Area Director Clare Dinnis and the whole of her team are doing an outstanding job in very difficult circumstances; are making progress; and are wholly committed to doing all they can for the community. Clare and the team have, and will continue to have, my total confidence and my full and unstinting support.

Yours sincerely



**Sir James Bevan KCMG**  
Chief Executive