

Compliance Assessment Report CAR_NRW0040066

Permit being assessed: GP3830BG.

For: Chirk Landfill Site EPR/GP3830BG, held by FCC Waste Services (UK) Limited

At: Pen-y-Bont Works , Chirk, WREXHAM, Clwyd, LL14 5AR.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 20/05/2022 between 09:10 and 11:00.

Parts of permit assessed: See below

NRW Lead Officer: Paul Challender.

Report sent to: Leon Terrace, Compliance Advisor/, Colin Shaw, Site Business Manager
on 06/07/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
D1 - Incident Management - Site security	C3 Minor	Permit Condition 1.1.1
E3 - Emissions - Surface water	Assessed (A)	
E5 - Emissions - Waste	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
F5 - Amenity - Deposits on road	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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
D1	Write a new or amend the existing security procedure to incorporate the locking of the gate and access to the combination code or key. Submit the procedure to NRW.	01/08/2022

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

This Compliance Assessment Report (CAR) has been raised to report on the recent site inspection. This was a prearrange site inspection by the Natural Resources Wales (NRW) regulating officer, Paul Challender. The regulating officer was escorted at all times by the operator's Compliance Advisor. The scope of the site inspection was to view and discuss the remedial works to resolve ongoing leachate issues and to investigate the recently notified surface water lagoon breaches.

There have been ongoing issues with leachate heads. Since, the identified leachate head levels in CAR_NRW0037604, exceedances of leachate heads have improved over time with regular issues only occurring at LC1D. FCC submitted a plan of action and timeframe to NRW and has supplied officers with weekly leachate head levels which show falling levels across the landfill infrastructure, with only LC1D remaining periodically in breach of the 43 metre (AoD) limit. Other wells have been in breach during this timeframe with exceedances of limits identified in Schedule 5 notifications earlier in the year, followed by weekly submissions as agreed by operator and regulator. Further to these notifications exceedances were also highlighted in the quarterly monitoring returns. During Q1 2022 desilting works at LC1D have been completed. Further remedial works including the lowering of the newly installed pump have been conducted. The ongoing works at this well have been fully communicated to NRW.

This issue has now been deemed resolved and the regulator and operator have agreed that issuing weekly leachate levels is no longer required and the operator has returned to utilising the standard notification method detailed in the permit to notify the regulator of leachate head breaches. Breaches of leachate levels did occur in Q1 2022 and these will be appropriately scored in a separate CAR (CAR_NRW0040075) which, will discuss the Annual Monitoring Report and Q1 Returns.

NRW was notified by a Schedule 5, Part A notification by email on 25/03/22 that breaches in surface water lagoons 1 & 2 had occurred for ammoniacal nitrogen. Surface water arising from within the permitted area enters a series three surface water lagoons before being discharged from the site. The volume of surface water and available lagoon capacity is such that discharges from site do not occur. Emission limit values (elvs) of 3 mg/l for ammoniacal

nitrogen are applied to each of lagoon 1, 2 & 3. High levels of ammoniacal nitrogen were detected in lagoon 1, with lower levels in lagoon 2 and no breach of elvs in lagoon 3.

The suspected cause was ingress of horses into the site from an adjacent field. During the inspection abundant evidence of the presence of horses was observed and horses have not entered the area since. Furthermore, no evidence of leachate breakout or other causal factors were identified during the inspection. The operator has provided the regulator with updates on ammoniacal nitrogen levels which, indicates falling concentrations and a gradual return to historic compliant levels. Simple house keeping was advised to maintain perimeter security by securing the insecure gate with a locking mechanism under the control of the operator.

The operator had already applied a lockable chain to the gate.

Score: (D1) Security. Permit Condition 1.1.1. CCS Score 3.

Action: Write a new or amend the existing security procedure to incorporate the locking of the gate and access to the combination code or key. Submit the procedure to NRW.

Other issues identified during the inspection included a redundant waste drum behind the compressor unit, faded borehole identification numbers and an ineffective borehole cap at T3. The drum has been removed, boreholes relabelled, cap reinstated and a lock installed to the gate that allowed the horses to enter the lagoon area prior to the issue of this CAR form and resolutions communicated to the regulator swiftly.

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.