

Compliance Assessment Report CAR_NRW0041183

Permit being assessed: BP3494FC.

For: Gardden Claypit 1 Midlands, held by WRG (Midlands) Ltd

At: Gardden, Ruabon, Wrexham, Clwyd, LL14 6RF.

Type of assessment carried out: Report/Data Review, Reason: Routine.
On 10/03/2023.

Parts of permit assessed: Part J: Leachate & Landfill Gas

NRW Lead Officer: Sarah Walton.

Report sent to: Leon Terrace, Compliance Advisor on 10/03/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor	J30

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
G1	Continue to investigate methane exceedances at GP9, to ensure levels are brought down below 1%.	24/03/2023

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 covers the monitoring period between December 2022 and 1st March 2023 (The point at which the new permit was issued).

As such, this Compliance Assessment Report will refer to the permit conditions in place at the time of the monitoring submissions.

This monitoring period has been consolidated into one Compliance Assessment Report for the purposes of recording and reporting.

In accordance with Natural Resources Wales' Compliance Classification Scheme, any non-compliances that are noted which relate to the same limit exceedance in each of the separate months will be consolidated to form one breach within the quarter.

Permit Condition J30: If the gas control system is deemed to be inadequate, by virtue of condition J29 of this licence, suitable improvements, or additional measures shall be designed and implemented at the earliest practicable time, so as to ensure that gas levels in all sub surface monitoring points outside the area of waste deposit, do not exceed 1% flammable gas or by 1.5% Carbon Dioxide by volume in air. The frequency and scope of the gas monitoring programme, shall be increased in consultation with the Waste Regulation Authority until such new system has been proved to be adequate.

Monthly monitoring submissions were received as follows:

- Ruabon data submission for December 2022, received on 3rd January 2023.
- Ruabon data submission for January 2023, received on 6th February 2023.
- Ruabon data submission for February 2023, received on 6th March 2023.

Weekly submissions were also received by Natural Resources Wales, when levels of CH₄ and CO₂ were recorded in exceedance of the permitted limits.

Throughout the monitoring period, a number of exceedances were noted for both CO₂ and CH₄. A particular recurring issue has been noted over the last 2 months of monitoring for CH₄ at monitoring point GP9.

The highest detected readings were as follows:

- 17/01/2023 CH₄ reading of 12% at monitoring point GP9.
- 14/02/2023 CH₄ reading of 9.3% at monitoring point GP9.
- 21/02/2023 CH₄ reading of 16.4% at monitoring point GP9.
- 28/02/2023 CH₄ reading of 9.6% at monitoring point GP9.

These exceedances of CH₄ levels are a breach of permit condition J30.

As such, a CCS Score of C3 has been given for this breach of permit condition.

Within the weekly notifications, the operator has been detailing what actions have been taken each week to manage day to day monitoring and any issues found.

Recent communication has been made with the operator regarding the permit breaches for CH₄ and action has already been taken to address the ongoing methane exceedances at GP9.

Please continue to keep Natural Resources Wales up to date with actions taken on site.

Going forward, reviews of monitoring data will aim to take place quarterly throughout the year.

Kind Regards,

Sarah Walton

Waste Regulation Officer

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Post: Natural Resources Wales, Chester Road, Buckley, Flintshire, CH7 3AJ

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

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.