

Compliance Assessment Report CAR_NRW0042563

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: Report/Data Review,

Reason: Routine.

On: 04/10/2023.

Parts of permit assessed: Q2 Monitoring Returns.

NRW Lead Officer: Paul Challender.

Report sent to: Leon Terrace, Compliance Advisor, on 05/10/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	Permit Condition 3.1.2, Schedule 3, Table S3.3.
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	Permit Condition 3.1.2, Schedule 3, Table S3.4.
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	Permit Condition 3.1.2, Schedule 3, Table S3.4.
IR2G - Operations - Landfill engineering (only applicable to landfill)	C3 Minor	Permit Condition 2.6.1.
IR2G - Operations - Landfill engineering (only applicable to landfill)	C3 Minor	Permit Condition 2.6.3.
IR4B - Information - Reporting	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
5	20

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
IR3A	Action 1: No action applied issue resolved	Already completed
IR3A	Action 2: Review these values against the forthcoming Q3 data and investigate the potential reasons for the elevation in levels.	31/10/2023
IR3A	Action 3: Maintain a watching brief on zinc levels in groundwater.	31/12/2023
IR2G	Action 4: Implement procedures to ensure that all relevant items of landfill engineering and infrastructure are preceded by the submission of a CQA plan to NRW prior to construction.	31/12/2023
IR2G	Action 5: Submit to your NRW regulating officer a suitable CQA Validation report containing the information and meeting the requirements of the guidance documents listed and linked above.	01/11/2023

Compliance 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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

This Compliance Assessment Report (CAR) has been raised by the Natural Resources Wales (NRW) regulating officer, Paul Challender to review the submitted Q2 Monitoring Returns.

Q1 Monitoring Returns

Leachate Levels

Leachate levels are compliant at the monitoring points required by Table S3.1, including leachate well LC4B which, was re-drilled this year.

Leachate

Six monthly leachate monitoring was conducted in May 2022 as per Permit Condition 3.5.1(a), Schedule 3, Table S3.8 with all required parameters reported. The next round of 6 monthly and annual leachate quality monitoring will normally take place in November 2023.

Surface Water

Monitoring of surface water was carried out as required by Tables S3.3 & S3.9. Only one breach was reported in this quarter. No data was presented for discharge points WP4 & WP5 as no discharge has occurred at those locations.

Lagoon 1 has again suffered a breach of the elv for ammoniacal nitrogen with a measured value of 9.2 mg/l. On this occasion thorough investigation identified the source as condensate knockout pot KOP5. Solutions were implemented and the lagoon was resampled and had returned to compliance by July.

Score: IR3A - Emissions to water, air or land. Permit Condition 3.1.2, Schedule 3, Table S3.3. Score 3.

Action 1: No action applied issue resolved

Groundwater

Groundwater samples were taken throughout the monitoring period in accordance with Tables S3.4 and S3.10 and the results of the monitoring were submitted as required.

BH12 ammoniacal nitrogen concentration was observed to be compliant at 3.1 mg/l during May 2023, a further reduction since February 2023.

Manganese was found to be in breach of the emission limit value (elv) at BH7, BH14 and T13.

Score: IR3A - Emissions to water, air or land. Permit Condition 3.1.2, Schedule 3, Table S3.4. Consolidated Score 3.

Action 2: Review these values against the forthcoming Q3 data and investigate the potential reasons for the elevation in levels.

Zinc was found to be marginally in breach of the elv at BH12 and attracts a compliance score due to the requirements of the scoring guidance. *If* the measurement uncertainty value is known and can be evidenced to the regulator this may be applied and potentially render this score null and void.

Score: IR3A - Emissions to water, air or land. Permit Condition 3.1.2, Schedule 3, Table S3.4. Score 3.

Action 3: Maintain a watching brief on zinc levels in groundwater.

Landfill Gas in Waste Monitoring Points

In waste gas parameters were monitored as per table S3.7 and reported as being acted upon across Q2. In this quarter, 118 readings of oxygen levels exceeding 5% were recorded and multiple readings for percentage gas balance being greater than 20%.

CO remained consistently high at well W111. Upon arranged bag sampling however, laboratory analysis almost halved the value reducing the level to 54ppm.

The operator has reported information on gas balance exceeding 20% with better clarity in this monitoring submission.

Leachate Tanks

The operator installed a new 100 m³ internally bunded/double skinned leachate tank in the "top tanks" area. The old steel bunded tank was removed and the old concrete bunded tank was left in place and is suitable for purpose if required. The new tank was installed alongside the concrete bunded tank. Unfortunately, these work were conducted without the benefit of a CQA plan or CQA validation report.

CQA guidance ([Landfill operators: environmental permits - Construction quality assurance \(CQA\) - Guidance - GOV.UK \(www.gov.uk\)](#)) states that leachate transfer, treatment and storage systems are classed as landfill infrastructure. The guidance also states that you must have a written CQA plan and details the requirements of that plan. The guidance also states that a CQA Validation Report must be submitted to the regulator within 4 weeks or an otherwise agreed timescale and details the requirements to be submitted.

The Manage Leachate guidance ([Landfill operators: environmental permits - Manage leachate - Guidance - GOV.UK \(www.gov.uk\)](#)) gives further details on CQA plans and validation reports and refers to specific storage methodologies.

Permit Condition 2.6 and its sub-conditions make the provision of CQA plans and a post-construction CQA validation report a requirement to the operator at this location.

Failure to provide a CQA Plan

Score: IR2G – Landfill engineering. Permit Condition 2.6.1. Score 3.

Action 4: Implement procedures to ensure that all relevant items of landfill engineering and infrastructure are preceded by the submission of a CQA plan to NRW prior to construction.

Failure to provide a CQA Validation Report

Score: IR2G – Landfill engineering. Permit Condition 2.6.3. Score 3.

Action 5: Submit to your NRW regulating officer a suitable CQA Validation report containing the information and meeting the requirements of the guidance documents listed and linked above.

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.

If your assessment result in Section 1 is suspended, what does this mean?

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 compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.