

Compliance Assessment Report

Report ID:
CAR_NRW0035959

This form will report compliance with your permit as determined by an NRW officer

Site	Chirk Landfill Site EPR/GP3830BG	Permit Ref	GP3830BG		
Operator/Permit holder	FCC Waste Services (UK) Limited				
Regime	Installations				
Date of assessment	18/10/2019	Time in	10:00	Out	13:50
Assessment type	Site Inspection				
Parts of the permit assessed	Various				
Lead officer's name	Ross, Stuart				
Accompanied by	Cubley, Lara				
Recipient's name/position	Colin Shaw/ Site Manager	Date issued	20/11/2019		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
A1 - Specified by permit	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	X	
B4 - Infrastructure - Containment of stored materials	X	
B5 - Infrastructure - Plant and equipment	C3	1.1.1
F1 - Amenity - Odour	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	4
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

This Compliance Assessment Report follows a planned site inspection completed as part of the landfill closure process following the determination of the landfill closure report.

In particular the inspection focussed on the surface water drainage system infrastructure covering the new 800m³ basin, drainage ditches linking the basin to the existing settling lagoons, the settling lagoons, grass plots and surface water outfall to the Dee.

The focus on these issues relates to previous issues identified with the CQA specification and validation reports following a site inspection in March 2018 (refer Compliance Assessment Report ref. CAR_NRW0033072) and as per subsequent correspondence during the closure process.

During this inspection a walkover was also completed of some capped areas (all cells fully capped and CQA complete) and a small number of Landfill Gas and leachate collection wells. The leachate collection tanks/bund located next to the gas compound were also inspected.

1. Surface Water Collection CQA Specification & Validation

Subsequent to the NRW inspection of March 2018 it was established that FCC installed/modified surface water collection infrastructure in accordance with version 3.0 (July 2017) of the specification whereas Natural Resources Wales approved version 2.0 only (Version 3.0 does not appear to have been submitted to NRW in error). This accounts for some of the discrepancies identified by NRW in March 2018 when assessing the completed works against version 2.0 of the CQA specification and subsequent validation report.

Subsequent correspondence and reports from FCC received 2019 sought to address the remaining queries but there remain a number of issues that require attention before we can agree to accept the CQA specification and the CQA validation reports.

During the inspection the following issues were identified;

1. CQA Version 3.0, section 6.2.1 specifies that *'in the event of the filtration beds being taken offline a second isolation valve is needed on the outlet leg to the river as shown on drawing 466-NW-2017-SW-Plan 1'*

During the inspection there was no evidence to suggest (nor knowledge from FCC staff) to confirm that there is any existing pipework directly connecting lagoon 3 to the river Dee nor that a valve had been installed as proposed.

2. CQA Version 3.0, section 6.2.2 specifies that *'new bund connection channels are to be installed to hydraulically link them [grass plots] and allow the overflow system to work'*.

During the inspection there was no clear evidence to suggest channels connecting the beds had been installed.

3. CQA Version 3.0 section 6.2.3 specifies that *'the final [infiltration basin] will have a 200mm overflow to provide a method of controlled discharge to the river Dee in the event of an extreme event exceeding the capacity of the basins....as shown on drawing 466 NW-2017-Plan 1'*

During the inspection there was no evidence to suggest the overflow/headwall has been installed.

With regard to points 1 - 3 above the CQA validation report provides no evidence to confirm that these items were completed in accordance with the CQA specification report. No as built drawings were supplied nor any description of design changes.

4. Additionally it was identified during the inspection that drainage ditch 2 has been badly eroded/scoured and at one location surface water was visibly draining into a small sink hole without trace and therefore not being captured by the lagoon system. It is clear that the ditches have not been hydro seeded (contrary to the CQA specification) that may have contributed to this erosion.

The design and condition of this ditch requires review and where necessary remedial work to repair any significant erosion and prevent future problems.

Action 1 - to address the above issues please review the CQA specification (v3.0) to ensure it accurately reflects the design proposal. Provide NRW with the revised specification along with a plan (where appropriate) with the steps you will take to ensure the CQA validation report requirements will be met. Where any design changes are made please provide your reasons. Please do so by 31/01/20 or earlier if possible.

Action 2 - Following the completion any necessary remedial works, provide NRW with a revised CQA validation report to demonstrate that the CQA specification has been met. Include an as built drawing.

2. Surface Water Emissions

NRW and FCC discussed the fact that surface water discharges to the Dee rarely if ever occur and therefore no sample data is available. The discharge point is currently fitted with a small valve that is permanently closed but FCC wish to retain the option to discharge. .

FCC also report that surface water rarely, if ever, discharges onto the grass plots and therefore it must be the case that surface water collected from the landfill cap discharges to ground from lagoons 1 - 3.

As part of your closure application determination we have advised the permitting officer to consider amending the permit to require periodic water quality sampling from the lagoons to demonstrate and ensure it constitutes clean and uncontaminated surface water.

3. Landfill Gas and Leachate Control

No issues were identified with landfill gas control during the brief inspection of capped areas.

It was noted that pipework carrying pumped leachate from at least 2 leachate collection wells (LM4B and LC4C) was under tension due to localised subsidence pipework running down slope of the well. Attempts had been made to hold the pipework in position by tying it to the well head with rope. The pipework was also joined with multiple compression joints and collectively this poses the risk of pipe failure with associated loss of leachate onto capped areas and potential impacts on surface water.

Steps (in the form of a preventative maintenance programme) should have been taken to regularly inspect and adjust the pipework to account for localised settlement etc. to ensure pipework is not under tension and failure to do so is a breach of permit condition 1.1.1 with potential for minor environmental impact (CCS3).

It was reported at the time of the inspection that steps would be taken immediately by the on site contractor to address the issues at LM4B and LC4C.

Action 3 - implement a periodic planned maintenance check on all leachate collection pipework/infrastructure to ensure it is maintained in a manner that minimises the risk of pollution. FCC to ensure contractors working on the system are aware of the required specification for pipework etc. and that any significant modifications to the system are subject to agreement with FCC.

Please provide NRW with a summary of the steps you have taken to address this action by 13/12/19.

Two single skinned steel leachate tanks are located in an earth bund with HDPE liner adjacent to the landfill gas compound. The bund contained a significant amount of debris (leaves, moss etc.) and vegetation was encroaching around the sidewalls. Collectively this had the effect of preventing effective inspections as to the integrity of the HDPE membrane. The feet of the leachate tank were positioned on wooden boards, at least one of which had suffered some settlement and may be at risk of puncturing the membrane.

Action 4 - clean the bund floor and sidewalls to remove all debris and complete an inspection as to the integrity of the HDPE membrane. Report your findings to NRW by 31/01/20 along with any required remedial measures.

During the inspection it was reported that the two leachate tanks mentioned above could possibly be decommissioned and used at another FCC site as Pen y Bont has adequate storage capacity as provided by the two tanks at the site entrance. NRW support the decommissioning of the steel tanks and earth bund if it is not required as this will reduce the inventory of stored leachate and the associated pollution risk.

EPR Compliance Assessment Report

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Site	Chirk Landfill Site EPR/GP3830BG	Permit Ref	GP3830BG
Operator/Permit holder	FCC Waste Services (UK) Limited	Date	18/10/2019

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition.

Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
B1	X	Refer Details Section	31/01/2020
B4	X	Refer Details Section	31/01/2020
B5	C3	Refer Details Section	13/12/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.