

Compliance Assessment Report

Report ID:
CAR_NRW0035973

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

Site	Gardden Claypit 1 Midlands	Permit Ref	BP3494FC		
Operator/Permit holder	Shanks Midlands Ltd				
Regime	Waste Operations				
Date of assessment	30/09/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	The CAR Subcriteria listed below				
Lead officer's name	Briscoe, Ross				
Accompanied by					
Recipient's name/position	Matthew Green/ Compliance Advisor (FCC Environment)	Date issued	21/11/2019		

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
B2 - Infrastructure - Closure and decommissioning	C3	J.30

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 covers the monitoring periods of July, August and September 2019. The 3-month 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.

The monthly monitoring submissions were received within the specified period as follows

July 2019 monthly monitoring was received on 30 August 2019

August 2019 monthly monitoring was received on 30 September 2019

September 2019 monthly monitoring was received on 31 October 2019

In addition, notifications were received by Natural Resources Wales when levels of CH₄ and CO₂ were recorded in exceedance of the permitted limits. These were submitted following the weekly monitoring rounds.

Throughout the 3-month period a number of exceedances of CH₄ were noted. In particular, on some weekly monitoring rounds the level of CH₄ recorded was significantly higher than the permitted limit of 1%.

The highest detected readings are as follows

July 2019 – CH₄ 13.8 (%v/v) (12.07.2019 – RUBH0007)

August 2019 – CH₄ 7.6 (%v/v) (14.08.2019 – RUBH0007)

September 2019 - CH₄ 12 (%v/v) (17.09.2019 - RUBH0003)

These elevated readings along with others indicate that the gas control system on site still requires improvement.

As a result, a Compliance Classification Scheme Category 3 breach has been recorded against permit condition J.30.

Within the weekly notifications the operator has been providing Natural Resources Wales with details of actions taken to date and proposed future actions.

Dialogue is still currently ongoing between Natural Resources Wales and the operators as work is undertaken to address the issues.

Please continue to keep Natural Resources Wales up to date with any progress made.

Kind regards,

Ross Briscoe, Senior Advisor (Waste Policy)

ross.briscoe@cyfoethnaturiolcymru.gov.uk

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.

EPR Compliance Assessment Report

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Operator/Permit holder	Shanks Midlands Ltd	Date	30/09/2019

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			
B2	C3	Review, investigate, remediate and implement gas management procedures on site in order to achieve compliance.	31/12/2019

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.