

Compliance Assessment Report

Report ID:
CAR_NRW0036328

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	31/12/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Routine Monitoring Returns and Reporting				
Lead officer's name	Ross, Stuart				
Accompanied by					
Recipient's name/position	Colin Shaw/ Site Manager	Date issued	13/02/2020		

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
B1 - Infrastructure - Engineering for prevention and control of emissions	C4	3.1.2
E2 - Emissions - Land and groundwater	C4	3.1.2
	C4	3.1.2
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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	3	Total compliance score (see section 5 for scoring scheme)	0.3
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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 review of routine quarterly monitoring data for the period 1st January – 31st December 2019 and the annual report as required by permit condition 4.2.1. The reports were received on time – thank you.

1. Routine Monitoring Data

Leachate Heads

Leachate heads were monitored monthly and compliant with the permitted leachate head limit (<1m) April - December. However, numerous wells were non-compliant throughout January - March (refer Q1 monitoring report).

The above leachate head exceedances are in breach of permit condition 3.1.2. However, whilst leachate heads were >1m above cell base, the levels were compliant with the revised closure limit of 43mAOD (as issued 05/12/19) and therefore a single consolidated CCS score of 4 is applied.

Issues relating to the notification of compliance limit exceedances was addressed previously (refer NRW_CAR0034672 as issued February 2019). We remind you of your obligations under permit condition 4.3.1.

Groundwater Quality Monitoring

Monitoring was completed as required by the permit. The following compliance limits were exceeded during the period (Part A & B notification submitted by FCC).

29/05/19 (Quarter 2)

- BH14 (Mn)
- BH4, 5, 9, 11 & 12 (Zn)
- T9 (MCP)

11/11/19 (Quarter 4)

- BH7, 12, 14. T10 (Mn)
- T10 (Zn)
- T9 and BH14 (MCP)
- BH7 (Napthalene)

The 2019 compliance limit exceedances for Mn, Zn, MCP and napthalene in 2019 were not observed in 2018 - FCC to continue routine monitoring and assess trends.

This is with the exception of well T9 whereby the last 3 consecutive samples results for MCP are in exceedance of the compliance limit.

ACTION - Within the annual report due March 2020 please include (if not already) data trends for T9 and assess the risk of contamination to groundwater.

The compliance limit exceedances are in breach of permit condition 3.1.2 and attract a CCS score of 4 (consolidated scores applied once each for Quarter 2 and Quarter 4).

Surface Water Quality Monitoring

Monitoring completed as required by the permit. No discharges from the grass plots reported during this period. Samples collected from the River Dee upstream and downstream of the landfill do not indicate any impact from landfilling operations. No issues noted.

Lagoon samples collected November 2019 indicate good water quality.

Perimeter Gas Monitoring

No trigger levels exceeded during this period.

LFG Balancing Data

It is noted that gas well CHIW113 exceeded 100ppm of carbon monoxide (typically <150ppm) on 8 occasions during 2019 and was <100ppm during the final quarter of the year. Typically the well exhibited positive pressure, a high balance gas and oxygen content with the control valve closed.

ACTION - Please provide NRW with an interpretation of the balancing data for CHIW113 in the annual report due March 2020 and assess the likelihood of a fire within the waste mass in the vicinity of this well.

Annual Report

Report received as required - no issues noted.

Please submit your annual monitoring data review (as required by condition 4.2.1(a) to NRW by 31/03/20, to include LFG Engine and Flare emissions monitoring reports.

EPR Compliance Assessment Report

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Operator/Permit holder	FCC Waste Services (UK) Limited	Date	31/12/2019

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.

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			
E2	C4	Refer Details Section	31/03/2020
E2	C4	Refer Details Section	31/03/2020
B1	C4	No action required - maintain compliance.	14/02/2020

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.