

Compliance Assessment Report

Report ID:
CAR_NRW0034956

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

Site	Tir Gwaid Farm Landfill		Permit Ref	HP3199FJ	
Operator/Permit holder	Jenkins Messrs H, M & G				
Regime	Waste Operations				
Date of assessment	04/04/2019	Time in	13:45	Out	14:00
Assessment type	Site Inspection				
Parts of the permit assessed	34				
Lead officer's name	Peppicelli, Claudia				
Accompanied by	Warwick-Brown, David				
Recipient's name/position	Gareth Jenkins/ Owner	Date issued	25/04/2019		

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
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	34-35
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	33

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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

Tir Gwaid Landfill, HP3199FJ, EAWML 30014. 25/04/19.

In the context of the Closed Landfill project this is a review of your compliance with the permit and the working plan regarding the management of the closure phase of the site and the monitoring plan.

Environement Officer Claudia Peppicelli and David Warwick-Brown, attended Tir Gwaid closed landfill at Wattstown on the 04/04/2019. No-one was present on site.

In reference to the last CAR form dated 25/01/2011 we verified that no tipping had been going on on the closed landfill area. Grass has stably grown on the top layer of the closed landfill area.

A Closure Report was submitted by your consultant, MJ Carter Associates, in August 2006. However, when we wrote to you in September 2006 requiring further information, this was not supplied. As a result, we could not accept the Closure Report and classed your site as nonoperational, but not closed.

In this occasion NRW would ask for an update for consideration in order to accept, when you submit it, a surrender application.

On the 25/01/2011 you discussed with one of our officers the future of the site and you stated that you wish to surrender the permit. There was still a small area that needed to be levelled off, so the land could be brought into use. As discussed it may be an option for you to grade off this area using materials already on your land and not importing controlled waste to your site.

We understand that you are paying an annual subsistence fee and that you wish to surrender the permit. We want to assist you with this task.

To do so you will be required to undertake some monitoring and submit an updated Closure report, before this can take place.

Compliance g1 - Monitoring of emissions & the environment – In this occasion you have been score a category 3 breach against Condition 33, 34 and 35 of your permit.

In reference to your Closure Report, here I will repeat our comments from 2006:

Section 3.6 Licence condition number 24 and 33 requires 6-monthly inspections of the culvert by a competent person, and submission of results. Condition 25 then requires remedial action and repairs in the event of a structural failure or leakage. Please confirm whether the time scale for doing such work will be based on the risk presented?

Sections 4.2, 4.3) There are several dwellings within 250m of the site boundary, and the site area is 2.6Ha. As such, to meet the statutory guidance Table 1 should include additional two monitoring points. All points should be monitored on an initial 6-monthly basis, for 2 years with an annual measurement of borehole depth. (the monitoring frequency can always be reviewed thereafter.) Given the fact negligible biodegradable wastes have been recorded, control and trigger levels in Table 2 are acceptable. It should be confirmed that the existing boreholes LFG1

and LFG2 are still suitable for use and permit a representative sample of gas to be taken. Please refer to licence conditions 34 and 35.

Section 4.7) the surface water monitoring proposals was acknowledged. For Table 1 determinants, please provide justification for excluding DO and COD? (WMP4)

Compliance g4 - Reporting & notifications to the regulatory authority - In this occasion you have been score a category 3 breach against Condition 33, 34 and 35 of your permit.

The results of the monitoring shall be forwarded to Waste Regulatory Authority within 3 days of monitoring results obtained.

If you have any queries relating to this form, please do not hesitate to contact me on the details below.

Claudia Peppicelli

03000654791

Email address

Claudia.peppicelli@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*

EPR Compliance Assessment Report

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CAR_NRW0034956**

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Operator/Permit holder	Jenkins Messrs H, M & G	Date	04/04/2019

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
G4	C3	Review the closure report following our notes	20/09/2019
G1	C3	Submit monitoring data	25/10/2019

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.