

**Environmental Permitting (England and Wales) Regulations 2016
Regulation 36**

**ENFORCEMENT NOTICE TO TAKE SPECIFIED STEPS IN RELATION TO A
BREACH/ANTICIPATED BREACH OF PERMIT CONDITION(S)**

**To: FCC Environment (UK) Ltd
Ground Floor West
900 Pavilion Drive
Northampton Business Park
Northampton
NN4 7RG**

Environmental permit: EAWML 37014/BP3494FC, EAWML 37109/HP3694FJ

Regulated facility: Gardden (Ruabon) Landfill, Tatham Road, Ruabon, Wrexham, LL14 6RF

Natural Resources Wales considers that the following conditions of the BP3494FC environmental permit is being contravened:

- **Permit Condition J.30**

J.30 If the gas control system is deemed to be inadequate by virtue of Condition J.29 of this licence suitable improvements or additional measures shall be designed and implemented at the earliest practicable time, so as to ensure that gas levels in all sub surface monitoring points outside the area of waste deposit do not exceed 1% flammable gas or 1.5% carbon dioxide by volume in air. The frequency and scope of the gas monitoring programme shall be increased in consultation with the Waste Regulation Authority until such new system has been proved to be adequate.

Because:

- **There are elevated gas issues in several boreholes which are causing an unacceptable environmental risk**

You are required to take the steps set out in Schedule 1 by the date(s) specified in order to ensure any contravention does not occur.

Date:17th June 2020..

Signed: 

**Louise Peel
Waste Regulation Team Leader, NE**

Natural Resources Wales
Chester Road
Buckley
Flintshire
CH7 3AJ

Please see over for notes.

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Notes:

General

1. Failure to comply with this notice is an offence under Regulation 38(3) of the Environmental Permitting (England and Wales) Regulations 2016 and may result in legal action being taken against you.
2. Without prejudice to the requirements of this notice, failure to comply with a condition of an environmental permit is an offence and may result in legal action being taken against you.
3. You may wish to seek independent legal advice.

Appeal provisions

You are entitled to appeal against this notice under Regulation 31(1)(f) of the Environmental Permitting (England and Wales) Regulations 2016. Notice of appeal must be made within two months of the date of this notice. An appeal does not affect the requirements of this notice.

You must send written notice of the appeal and the documents listed below to:

The Planning Inspectorate
Crown Building
Cathays Park
CARDIFF
CF10 3NQ

Tel: 029 2082 3866

Email: wales@pins.gsi.gov.uk

Website: <http://www.planningportal.gov.uk/planning/appeals>

At the same time you must send a copy of the appeal notice and documents to Natural Resources Wales.

The required documents are:

- A statement of the grounds of appeal
- A copy of any relevant application
- A copy of any relevant environmental permit
- A copy of any relevant correspondence between the appellant and the regulator
- A copy of any decision or notice which is the subject matter of the appeal
- A statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You may withdraw an appeal by notifying The Planning Inspectorate in writing and sending a copy of that notification to Natural Resources Wales. Further information about making an appeal and the forms that you will need are available from The Planning Inspectorate detailed above.

Legislation note

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. On 01 April 2013 the Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

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SCHEDULE 1 STEPS TO BE TAKEN		
Condition number	Steps to be taken	By date
Permit Condition	The following actions must be undertaken as specified in FCC Environment (UK) Ltd action plan received by NRW on 10/6/2020: Actions 1-4 1. Carryout a full in-depth investigation into the integrity of the gas infrastructure currently in place on completion of vegetation removal by FCC 2. Dipping and rodding with a camera inspection of Gas Wells (around SE area of site) 3. Conduct survey re GW 25R and GW26R pin wells and side wall detail 4. Investigate the decommissioned wells along the boundary to see if any can be reutilised FCC Environment (UK) Ltd are requested to confirm that the above actions have been completed by the date specified, in writing to Natural Resources Wales	26th June 2020
Permit Condition	The following actions must be undertaken as specified in FCC Environment (UK) Ltd action plan received by NRW on 10/6/2020: Action 6 On completion of the above FCC Environment (UK) Ltd will propose any recommendations needed with the in-waste gas infrastructure. In addition, FCC Environment (UK) Ltd must submit to Natural Resources Wales: • a detailed account of the recommendations made by Infinis to FCC Environment (UK) Ltd, and • specify a timescale by when FCC Environment (UK) Ltd will implement the recommendations and how they will be monitored for effectiveness	3rd July 2020