

## Compliance Assessment Report CAR\_NRW0037604

**Permit being assessed:** GP3830BG.

For: Chirk Landfill Site EPR/GP3830BG, held by FCC Waste Services (UK) Limited

At: Pen-y-Bont Works, Chirk, WREXHAM, Clwyd, LL14 5AR.

**Type of assessment carried out:** Report/Data Review, Reason: Routine.

On 31/12/2020.

Parts of permit assessed: Monitoring

**NRW Lead Officer:** Stuart Ross.

**Report sent to:** Colin Shaw, Site Manager on 17/02/2021.

### 1. Summary of our findings (full details in section 4)

| Part of permitted activity assessed (criteria)                                                                 | Assessment result | Permit condition |
|----------------------------------------------------------------------------------------------------------------|-------------------|------------------|
| B1 - Infrastructure - Engineering for prevention and control of emissions                                      | C3 Minor          | 3.1.2            |
| E2 - Emissions - Land and groundwater                                                                          | C4 No impact      | 3.1.2            |
| E2 - Emissions - Land and groundwater                                                                          | C4 No impact      | 3.1.2            |
| G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment               | Action only (X)   |                  |
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | C4 No impact      | 4.2.3            |
| E1 - Emissions - Air                                                                                           | Assessed (A)      |                  |
| E3 - Emissions - Surface water                                                                                 | Assessed (A)      |                  |

Result types are explained in more detail in the 'Important Information' section below.

| Total number of non-compliances recorded | Total non-compliance score |
|------------------------------------------|----------------------------|
| 4                                        | 4.3                        |

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

### 2. What action is required?

| Criteria | Action needed                                                                                                                                                                                         | Complete by |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| B1       | FCC to submit to NRW a final project of works (with associated timescales) for the improvement of the leachate collection infrastructure to achieve consistent leachate head compliance in all wells. | 31/03/2021  |
| E2       | Continue monitoring and review trends (ongoing requirement).                                                                                                                                          | 17/02/2021  |
| E2       | Continue monitoring and review trends (ongoing                                                                                                                                                        | 17/02/2021  |

| Criteria | Action needed                                                                                                                            | Complete by |
|----------|------------------------------------------------------------------------------------------------------------------------------------------|-------------|
|          | requirement).                                                                                                                            |             |
| G1       | Investigate the cause of elevated CO in well W113, bag sample if necessary to assess risk of landfill fire. Report your findings to NRW. | 31/03/2021  |
| G4       | Ensure reports are submitted to NRW on time, as specified by the permit (with immediate effect)                                          | 17/03/2021  |

Action criteria codes are listed in the 'Important information' section below.

### 3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

#### **You are non-compliant with your permit.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

### 4. Details of our assessment

This Compliance Assessment Report follows a review of routine quarterly monitoring data for the period 1st October – 31st December 2020 and annual reporting.

#### **1. Leachate Heads**

Schedule 5 (Part A & B) notifications received for each monthly round of monitoring plus email notification of additional monitoring completed by FCC.

Leachate heads were monitored at least monthly and exceeded the permitted limit in wells LC1D LM4B, LM5B, LM7B, LC4B, LC5B and LM6B during October, November and December.

The above leachate head exceedances are in breach of permit condition 3.1.2, CCS3.

Leachate head compliance has improved, as of 12/02/21, all wells are compliant with the exception of LM6B (44.68mAOD) and LC1D (45.24mAOD) versus permitted limit 43 mAOD.

As per ongoing recent correspondence, FCC have applied for CAPEX for the installation of a substantially new leachate collection system aimed at improving system reliability and to achieve ongoing permit compliance.

The most recent action plan submitted December 2020 has not been implemented by 31 January 2021 as proposed owing to CAPEX application awaiting submission and approval.

Whilst NRW notes the improvement in leachate head compliance, ongoing non-compliance

may result in enforcement action.

**Action** - FCC to submit to NRW a final project of works (with associated timescales) for the improvement of the leachate collection infrastructure to achieve consistent leachate head compliance. Submit your report by 31/03/21.

## **2. Groundwater Quality Monitoring**

The following compliance limit exceedances were reported.

Schedule 5 received 25th and 26th November 2020 reporting exceedance of permitted limits in monitoring wells BH12, BH14 and T11 during the November monitoring round.

BH12, Zinc 0.124mg/l (limit 0.02mg/l)

BH14, Manganese 4.31mg/l (limit 2.6mg/l)

T13, Manganese 3.9mg/l (limit 3.9mg/l)

No other limits were exceeded for these monitoring wells.

These compliance limit exceedances are in breach of permit condition 3.1.2 and attract a CCS score of 4.

**Action** – Continue monitoring and review trends (ongoing requirement).

## **3. Surface Water Quality Monitoring**

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 the landfill. Surface water lagoon samples collected - no issues.

## **4. Perimeter Gas Monitoring**

Schedule 5 received 11/11/20

11/11/20 – Monitoring well T10, 1.5% CH<sub>4</sub> (limit 1%).

The compliance limit exceedances are in breach of permit condition 3.1.2 and attract a CCS score of 4. Possible interference from local monitoring well that is known to contain methane unrelated to the landfill.

**Action** – Continue monitoring and review trends (ongoing requirement).

## **5. Other Monitoring**

Periodic monitoring of landfill gas quality report included in the Q3 return.

Gas engine emissions monitoring was completed September and November 2020 - emissions compliant with permitted emission limit values when measurement uncertainty applied.

The emissions monitoring report for Gas Engine 1 was received late (17/02/21), in breach

of permit condition 4.2.3 and attracts a CCS score of 4.

**Action** - Ensure monitoring reports are submitted on time, as specified by the permit (action applies with immediate effect).

Flare emissions testing not required - flare operated for <10% of the time.

In waste LFG monitoring identified CO >100ppm in several monitoring wells. In particular W113 recorded 276ppm 06/11/20 with results on October and December only marginally below 100ppm.

**Action** - Please investigate the cause of this elevated CO, bag sample the well if necessary, to assess risk of landfill fire. Please report your findings to NRW by 31/03/21.

## **6. Annual Report**

Reports received as required - no issues noted.

Please submit your annual monitoring data review (as required by condition 4.2.1(a) to NRW by 31/03/21.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

## Important information

### Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

### Assessment results and non-compliance categories (used in section 1):

| Assessment result | Description                                                       |
|-------------------|-------------------------------------------------------------------|
| Assessed (A)      | Assessed or assessed in part, no evidence of non-compliance found |
| Action only (X)   | Action only relating to the activity assessment                   |
| Ongoing (O)       | Ongoing non-compliance, not scored                                |

| Non-compliance category    | Description                                                                                                                 | Score |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------|-------|
| C1 Major                   | Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property | 60    |
| C2 Significant             | Potential to have a significant impact or effect on the environment, people and/or property                                 | 31    |
| C3 Minor                   | Potential to have a minor or minimal impact or effect on the environment, people and/or property                            | 4     |
| C4 No environmental impact | Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property       | 0.1   |

### How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

**What are suspended scores?**

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

**Full list of Industry and Waste action criteria (used in section 1 and 2):****A: Permitted activities**

- A1 Specified by permit

**B: Infrastructure**

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

**C: General management**

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

**D: Incident management**

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

**E: Emissions**

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

**F: Amenity**

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

**G: Monitoring and records, maintenance and reporting**

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

**H: Resources efficiency**

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

## Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

## Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

## Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

## What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

## Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.