

## Compliance Assessment Report CAR\_NRW0038306

**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:** Site Inspection, Reason: Routine.

On 11/05/2021 between 10:00 and 12:00.

Parts of permit assessed: Various

**NRW Lead Officer:** Stuart Ross, accompanied by Julia Frost.

**Report sent to:** Colin Shaw, Site Manager on 20/05/2021.

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

| Part of permitted activity assessed (criteria)                            | Assessment result | Permit condition |
|---------------------------------------------------------------------------|-------------------|------------------|
| A1 - Specified by permit                                                  | Action only (X)   |                  |
| B1 - Infrastructure - Engineering for prevention and control of emissions | Action only (X)   |                  |
| C2 - General Management - Management system and operating procedures      | Action only (X)   |                  |
| F1 - Amenity - Odour                                                      | 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 |
|------------------------------------------|----------------------------|
| 0                                        | 0                          |

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 |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| A1       | Submit to NRW, a decommissioning plan for the existing leachate tanks and the specification of the proposed replacement tank and bund, including a calculation as to the bunded capacity (at least 110%). | 30/06/2021  |
| B1       | Supply NRW with a revised leachate compliance / infrastructure improvement plan.                                                                                                                          | 04/06/2021  |
| C2       | Provide NRW with the procedure for triggering the sampling and investigation of elevated field CO readings.                                                                                               | 04/06/2021  |

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.

**At this time, we do not intend to take any further action.**

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 routine planned site inspection. The inspection included a walkover of capped areas incorporating landfill gas and leachate collection infrastructure and a discussion of actions taken / to be taken to secure leachate head compliance.

No issues of concern were noted whilst completing the cap walkover.

Of the landfill gas wells inspected, pipework falls were adequate, no significant odours noted. It was reported that the site is now operating one of two LFG engines due to reduced LFG yields. LFG is not routinely flared.

Gas Well 113 has been bag sampled to assess CO concentrations following field readings in excess of 100ppm. Both results were below 100ppm, the well was inspected, no evidence indicating a fire observed, the well was cool with no apparent localised waste settlement.

**Action 1** - As discussed, please provide NRW with the procedure for triggering the sampling and investigation of elevated field CO readings. Please do so by 04/06/21.

During the inspection leachate Well LC1D was dipped to liquid (54.75m from dip tube) which was subsequently calculated by FCC as 42.49 mAOD (leachate head limit of 43 mAOD) - the well was compliant at this time.

N.B Leachate monitoring data compliance will be assessed as part of the routine monitoring data assessment covered by a separate Compliance Assessment Report.

Whilst leachate head compliance has improved significantly, it is important that FCC ensures the system is reliable and fit for purpose going forward. Any further non-compliance may lead to an escalation in our enforcement response given the poor performance over the past 12 months.

The leachate infrastructure improvement plan is being progressed but delays to the delivery of the compressor have lead to further delays. FCC anticipated that the compressor would be delivered to site within 2 weeks of the inspection.

**Action 2** - As agreed, please supply NRW with a revised leachate compliance / infrastructure improvement plan by 04/06/21.

Part of the improvement works includes the decommissioning of the existing leachate collection tanks and bunds, to be replaced by a single 100 m3 bunded tank. This is to rectify issues with tank siltation and improve the resilience of the system. As discussed the reduction in leachate storage capacity below that which is currently permitted reduces the pollution risk posed by a loss of containment. Therefore the proposed changes may not require a permit variation - subject to review pending completion of the action below.

**Action 3** - as agreed please submit to NRW, a decommissioning plan for the existing tanks and the specification of the proposed replacement tank and bund, including a calculation as to the bunded capacity (at least 110%). Please do so by 30/06/21.

A section of the surface water drainage ditch running adjacent to the old site haul road was inspected, it was noted that the ditch continues to suffer from erosion with stones / solids being washed towards the lagoon, potentially causing increased rates of siltation in the lagoons and blocking or reducing the capacity of culverted sections. The manager reported that this issue has been identified and options are being considered to overcome the erosion.

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.