

Compliance Assessment Report

Report ID:
CAR_NRW0034504

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

Site	Gardden Claypit 1 Midlands	Permit Ref	BP3494FC		
Operator/Permit holder	Shanks Midlands Ltd				
Regime	Waste Operations				
Date of assessment	30/11/2018	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	The CAR Subcriteria listed below				
Lead officer's name	Briscoe, Ross				
Accompanied by					
Recipient's name/position	Matthew Green/ Compliance Advisor - FCC Environment	Date issued	12/02/2019		

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
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	J.29

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	1	Total compliance score (see section 5 for scoring scheme)	4
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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

A review of the Ruabon Landfill November 2018 data submission has taken place.

This data relates to the period of 01 November 2018 to 30 November 2018. The data was received via email on 17 December 2018.

November's gas monitoring results show the following readings for Methane;

7th November

RUBH006 – 11.6%

RUBH007 – 5.1%

RUGBH004 – 1.9%

RUGBH005 – 5.6%

14TH November

RUBH006 – 6.8%

RUBH007 – 7.4%

RUGBH005 – 21.1%

RUGP002A – 3.1%

23rd November

RUBH006 – 5.6%

RUBH007 – 8%

RUGH005 – 20.3%

RUGP002A – 4.9%

26TH November

RUBH007 – 9.2%

RUGP002A – 4.2%

The following breaches have therefore been recorded.

Permit condition J.29 (Working plan I.27), Compliance Assessment Report Sub criteria G4, Compliance Classification Scheme Category 3 breach.

Permit Condition J.29 and subsequently Working Plan condition I.27 requires the operator to inform the regulatory authority of any readings which exceed 1% of flammable gas immediately, and to confirm in writing within 7 days. This condition has not been met.

Permit condition J.29 (Working plan I.27), Compliance Assessment Report Sub criteria C2, Compliance Classification Scheme Category 3 breach (Score consolidated).

Permit Condition J.29 and subsequently Working Plan condition I.27 outlines that the cause of any flammable gas greater than 1% or carbon dioxide above agreed trigger levels will be investigated and suitable improvements or additional measures will be undertaken at the earliest practicable time to ensure such gas levels are reduced below those indicated. This work has not been undertaken despite elevated readings.

Our files indicate that the Working Plan has not been amended since 2001. This plan does not represent the current status of the site, and does not adequately cover the actions to be taken in the event of elevated gas levels recorded in perimeter boreholes.

Although they are not covered by the extent of this Compliance Assessment Form, a review of monitoring data submitted for the site has shown that there have been many breaches of the flammable gas limit specified by the permit.

Annual Monitoring Reports suggest that in some cases there may be external causes, and in other monitoring points there are no explanations or indication of further investigation recorded.

Actions

In light of these persistent and consistent breaches, we require you to undertake the following work;

1. Undertake an urgent investigation into the causes of elevated readings in perimeter boreholes on site, and provide NRW with your findings and proposed actions to minimise the risk of landfill gas migration. Where alternative sources of elevated readings in any borehole are reported, we would expect robust evidence to support your findings. To be submitted by the 01st March 2019.
2. Prepare a Landfill Gas Management Plan. This plan should include details on how you will ensure gas collection infrastructure is in good order. An Action plan on how to respond to recorded breaches should form part of your Landfill Gas Management Plan. The Action Plan should include details of relating to the following:

The criteria used to determine the severity of an event.

Actions taken by the operator as a result of:

- abnormal changes observed in collected monitoring data;

- Identified operational problems or failures of the gas control system;
- A reported event e.g. an odour complaint.

Emergency procedures and protocols.

Remedial actions (e.g. changes to balancing of gas field, changes to gas management techniques, routine monitoring etc.) To be submitted by 01st March 2019.

There are very high readings recorded in perimeter boreholes at regular intervals. We have seen no evidence in Annual Monitoring Reports, monthly monitoring submissions or through notifications that the causes of elevated readings are being investigated adequately. This needs to be addressed as a matter of urgency.

Should you wish to discuss the content of this form, or any concerns you may have. Please do not hesitate to contact me

Kind regards

Gareth Lewis

Evidence, Policy & Permitting – Natural Resources Wales

Gareth.e.lewis@naturalresourceswales.gov.uk

07977 509945

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).

EPR Compliance Assessment Report

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Operator/Permit holder	Shanks Midlands Ltd	Date	30/11/2018

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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	Operator to adhere to permit condition and provide notification to operator of any exceedances	01/03/2019

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.