

Compliance Assessment Report CAR_NRW0038604

Permit being assessed: BP3494FC.

For: Gardden Claypit 1 Midlands, held by Shanks Midlands Ltd

At: Gardden, Ruabon, Wrexham, Clwyd, LL14 6RF.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 09/08/2021 between 10:00 and 11:30.

Parts of permit assessed: Specified by permit

NRW Lead Officer: Sarah Walton, accompanied by Steven White, Carys Williams.

Report sent to: Leon Terrace, Compliance Advisor on 13/08/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	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?

No action required.

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

On Monday 9th August, Waste Regulation Officer, Sarah Walton met with Leon Terrace for a routine site inspection. They were also accompanied by Steven White (Senior Waste Officer) and Carys Williams (Waste Regulation Team Leader).

As the regulation of the site had recently been through a handover, this was intended as an introductory visit to allow officers to fully understand site operations and meet with site operatives.

Leon guided officers around site which started at the car park located just off Tatham Road. Adjacent to the car park was the Flare Compound and Leachate tanks. An anti clockwise route was followed around the perimeter of the landfill.

To the North of the site is a surface water lagoon that is surrounded by a number of surface gas probes and boreholes. It was noted in this area that there were holes in the wire fencing surrounding the lagoon. This raised concerns for site security and potential health and safety issues should any members of the public enter the site. Leon agreed to look into some new fencing and gates to secure this part of the site.

Leon noted that BH2a and BH2b occasionally picked up methane when sampled. One possible reason for this, is the proximity to the gas line running along the boundary of the site.



Image taken at site showing K0P2

Officers continued along the eastern side of the site, observing knock out pots and groundwater boreholes. At K0P2, there was some discarded electrical equipment on the ground which Leon explained he would address and get cleaned up. The Groundwater boreholes are sampled every month and there are 9 in total across the site. The site benefits from around 150-180 gas wells in total.

At the South East area of the site Leon mentioned there had recently been 7 new gas wells(average 10m deep) and pumps located here, alongside the sensitive boreholes to help control the migration of landfill gas. These wells average just under 1m of leachate.



Photo showing South East extension area and groundwater sump

Officers observed a groundwater sump in the South East Extension. This is crucial element of the control of gas in this area. There is an old glacial channel below ground in which groundwater flows. If levels of water in this channel get too high, this can block the gas wells causing a number of issues. Therefore, the site have installed a temporary pump which takes groundwater and discharges this in the adjacent lagoon. Leon mentioned there were intentions to get an electric pump to allow for more efficient removal of groundwater. NRW staff raised some queries as to where the lagoon flowed to and if there was consideration to the fact the lagoon could overflow, particularly in periods of heavy and prolonged rainfall in Autumn and Winter seasons. Leon acknowledged this.

Towards the centre of the landfill are Leachate monitoring and collection points. Officers observed Leachate GM10 which is generally pumped to the leachate tanks but on weekends empties leachate to LM6 with a low recharge rate.

Following a walk over the west side of the site, officers completed the inspection at around 11:30 and summarised the main findings with Leon.

Thank you very much for your time and assistance throughout the visit.

Kind Regards,

Sarah Walton
Waste Regulation Officer
03000 654 791

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 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

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.