

Compliance Assessment Report

Report ID:
CAR_NRW0034672

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

Site	Chirk Landfill Site EPR/GP3830BG	Permit Ref	GP3830BG		
Operator/Permit holder	FCC Waste Services (UK) Limited				
Regime	Installations				
Date of assessment	31/12/2018	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Routine Monitoring Returns and Reporting				
Lead officer's name	Ross, Stuart				
Accompanied by					
Recipient's name/position	Colin Shaw/ Site Manager	Date issued	15/02/2019		

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
B1 - Infrastructure - Engineering for prevention and control of emissions	C3	3.1.2
E2 - Emissions - Land and groundwater	C4	3.1.2
E3 - Emissions - Surface water	A	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	3.6.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.3.1

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	4	Total compliance score (see section 5 for scoring scheme)	12.1
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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

This Compliance Assessment Report follows a review of routine quarterly monitoring data for the period 1st January – 31st December 2018 and the annual report as required by permit condition 4.2.1. The reports were received on time – thank you.

1. Routine Monitoring Data

Leachate Heads

Leachate heads were monitored monthly and compliant throughout the period (<1m) with the exception of LC1D (replacement well for LC1B). The installation of LC1D was completed 23/05/18.

No leachate level monitoring data was provided for well LC1D for the period June - September 2018 for which no explanation has been provided. Failure to measure leachate heads during this period is in breach of permit condition 3.6.1 and 1.1.1 attracting a CCS score of 3.

Leachate level data collected from LC1D during October, November and December 2018 show the leachate head to be in breach of the permit limit (1m) at 5.24m, 5.24m and 4.69m respectively.

The above leachate head exceedances are in breach of permit condition 3.1.2 and attract a single consolidated CCS score of 3 for the period.

With respect to controlling leachate heads please provide information in the form of a Schedule 6 Notification (refer to the 'Notifications' section below for more information).

ACTION - Ensure your monitoring procedure reflects the monitoring requirements of the permit and staff are appropriately trained. Training records shall be maintained. Please do so by 28/02/19.

ACTION - The reports state that a significant number of leachate quality samples were not collected during 2018 as the wells were not pumping. Whilst we appreciate the challenge that this may pose, in such circumstances FCC should endeavour to re-schedule leachate sampling within the quarter or take other steps to ensure samples can be collected.

Groundwater Quality Monitoring

Monitoring completed as required by the permit – a single compliance limit was exceeded and a Part A & B notification submitted by FCC.

28/11/18, Monitoring Well T9, mecoprop 0.06ug/l versus permit limit 0.04ug/l

A similar compliance limit exceedance was identified 20/11/17 at 0.15ug/l but the well was later compliant (<0.02ug/l) 22/05/18.

This marginal exceedance is in breach of permit condition 3.1.2 and attracts a single CCS score of 4..

ACTION - Within the annual report due March 2019 please include (if not already) data trends for this borehole and to assess the risk of contamination to groundwater.

Notifications

NRW did not receive Part A or B notifications for the leachate head breaches identified in leachate collection well LC1D as detailed above for October - December 2018.

This is a breach of permit condition 4.3.1 and 1.1 and attracts a non compliance score of 3.

ACTION - Submit Part A and Part B notifications for these exceedances by 28/02/19

ACTION - Ensure your notification procedure reflects the requirements of the permit and staff are appropriately trained. Training records shall be maintained. Please do so by 28/02/19.

Note - Management System Breaches (condition 1.1.1) detailed in this report have been consolidated into a single CCS score of 3.

Perimeter Gas Monitoring

No trigger levels exceeded during this period.

Surface Water Quality Monitoring

Monitoring completed as required by the permit. 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 landfilling operations. No issues noted.

Annual Report

Report received as required - no issues noted.

Please submit your annual monitoring data review (as required by condition 4.2.1(a) to NRW by 31/03/19, to include LFG Engine and Flare emissions monitoring reports.

EPR Compliance Assessment Report

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Operator/Permit holder	FCC Waste Services (UK) Limited	Date	31/12/2018

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.

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			
G1	C3	Refer Details Section	28/02/2019
G4	C3	Refer Details Section	28/02/2019
E2	C4	Refer Details Section	28/02/2019
B1	C3	Refer Details Section	28/02/2019

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.