

Compliance Assessment Report

Report ID:
CAR_NRW0034263

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

Site	Jukes Landfill	Permit Ref	EP3699FU		
Operator/Permit holder	Jukes H G & C M				
Regime	Waste Operations				
Date of assessment	03/12/2018	Time in	N/A	Out	N/A
Assessment type	Site Inspection				
Parts of the permit assessed	Part 3 of the Permit				
Lead officer's name	Peppicelli, Claudia				
Accompanied by					
Recipient's name/position	H.G. & C.M. Jukes/ Owner	Date issued	17/12/2018		

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
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	Condition 3.1.7 , Condition 3.1.8
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	Condition 3.1.1 and 3.1.2
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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

CAR form desk based: Claudia Peppicelli on Jukes H G & C M, Jukes Landfill, EP3699FU, EAWML 30068. 3/12/18.

In the context of the Closed Landfill project this is a desk-based review of your compliance with the permit and the working plan regarding the management of the closure phase of the site and the monitoring plan.

g1 - Monitoring of emissions & the environment – *(non-compliances relating to the adequacy of the monitoring system: The operator submits only part of the monitoring data required by the permit).*

Condition 3.1.7 of the Permit states that *Monitoring and sampling gas within the waste mass shall be carried out and recorded in accordance with the standards of Table 3.1B.* **Condition 3.1.8** states that *A record of the internal landfill gas monitoring and sampling results shall be made and submitted to the Agency in accordance with the standards specified in Table 3.1C.*

We have not received any monitoring data. **You have therefore scored a cat. 3 breach.**

Action: please provide the monitoring data as explained in the following section.

g4 - Reporting & notifications to the EA *(issues associated with the requirement of the site operator to report/notify to the Environment Agency and/or any other bodies information or events as set out in the permit including the means and methods of reporting and notification: Failure to submit monitoring data by the date specified in the permit).*

Condition 3.1.1 and 3.1.2 state that *within 4 months of the date of this modification, the engineered landfill gas monitoring system shall be provided to enable monitoring of gases and that the installation of the landfill gas monitoring system provided within each phase shall be designed, inspected, maintained, documented and recorded in accordance with the standards of Table 3.1A.*

Previous CAR forms have already pointed the same issue on the matter (from 2002, 2003, 2007, 2009, 2011, 2013). Since the last CAR form dated 3/7/2013 we have not received the data requested. If this is not the case, please let us know as soon as possible. **You have therefore scored a cat. 3 breach.**

As discussed in the last report you will be able to surrender your permit after meeting the requirement for a low risk site: after providing at least 6 months of monitoring for the internal landfill gas. The guidance notes at Table 3.1A of your Permit quote a frequency of 2 boreholes per hectare, with a minimum of 4. Providing the results show no risk of environmental impact, the data can be submitted with the surrender application. Given the complexity of this work, I would suggest appointing a consultant as technical expertise to plan the position and drilling of the required boreholes.

Action: I require that a written submission is received by us by the 31/01/2019 detailing your intended actions in regard to the monitoring of the site. This must be detailed enough to provide evidence that you have clear intentions of undertaking the monitoring including, but not limited to, contact information of any consultant you appoint, plans where the boreholes are to go, timescales for the project etc.

Failure to carry out the monitoring requirements will result in Natural Resources Wales serving an Enforcement Notice to ensure that the necessary works are completed

Please also note that our finance department has reported that you have not paid your annual subsistence fee to us due on 1st April 2018. Please do this ASAP.

If you have any queries relating to this form, please do not hesitate to contact me on the details below.

Claudia Peppicelli

03000654791

Claudia.peppicelli@cyfoethnaturiolcymru.gov.uk
claudia.peppicelli@naturalresourceswales.gov.uk

**In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body*

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034263**

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Site	Jukes Landfill	Permit Ref	EP3699FU
Operator/Permit holder	Jukes H G & C M	Date	03/12/2018

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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	Submit a monitoring plan	31/01/2019
G1	C3	carry out monitoring and submit data	07/06/2019

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.