

Compliance Assessment Report

Report ID:
CAR_NRW0023802

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

Site	Brookhill Landfill Site EPR/AP3739KS	Permit Ref	AP3739KS		
Operator/Permit holder	Flintshire County Council				
Regime	Installations				
Date of assessment	13/07/2016	Time in	13:05	Out	15:50
Assessment type	Site Inspection				
Parts of the permit assessed	All Below				
Lead officer's name	Ellis, Rhys				
Accompanied by	Soper, Alison				
Recipient's name/position	Harvey Mitchell, Phil Mulhall / Site Manager	Date issued	01/08/2016		

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
A1 - Specified by permit	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B5 - Infrastructure - Plant and equipment	X	
C2 - General Management - Management system and operating procedures	C3	1.1.1
C3 - General Management - Materials acceptance	A	
D2 - Incident Management - Accidents, emergency and incident planning	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.2.2

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)	4.1
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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

Regulating officer Rhys Ellis and Alison Soper met Harvey Mitchell, Phil Mulhall and Paul Murphy on site.

Harvey Mitchell provided an update and advised that Flintshire County Council are in the process of arranging the out sourcing of the day to day running of the site to an external contractor and explained that Flintshire County Council would remain to be the overall permit holder with Paul Murphy acting as the main point of contact for monitoring etc. Harvey Mitchell advised that Natural Resources Wales would be consulted and kept informed on this.

Regulating Officer Alison Soper explained that Rhys Ellis is now the new regulating officer for this site.

Observations / Discussions on site.

During the time of the visit the gas engine on site had tripped and there was an issue with operating the flare. It was suggested by yourselves that there might be an issue with a 'relay' controlling the blowers. Please can you provide an explanation of the actual cause of this and the actions taken. Please could you provide this information no later than 31st of August 2016.

You also advised that there are plans to install a secondary blower on site, please can you keep me updated on this matter.

IBC's were located near some of the leachate wells. It was explained to officers that the site have recently been de silting the leachate wells to help with leachate management.

It was observed that the bowser delivery pipe for the effluent treatment plant has been shortened to ensure that any spills would be contained within the bund. It was also noted that the delivery point for the bulk tankers on site has changed so that all effluent / spills would drain to the transfer pad.

E1) Emissions to air

Phil Mulhall explained that monitoring of the gas engines as per permit requirement 3.5.1 have recently been undertaken. We shall look forward to receiving these results.

C2 Management systems and operating procedures

D2) Accident, emergency and incident planning

On the 19th July 2016 Natural Resources Wales received a report of an alarm sounding at brookhill (WIRS ref 1604004). It became apparent that the cause of this alarm was an engine tripping on site which then re- set itself, however the alarm on site still remained on. It was explained that a mobile phone (receiving notifications of these alarms) was left at the office overnight and the request to reset the alarm was not seen until the following morning.

You have advised that you have now swapped over and re-located the position of the sensor - with a less sensitive one that has a higher trip value.

Please note that the site should have robust procedures in place to deal with all alarms/notifications, the fact that the incident occurred all night with no actions taken from the operator until the following day demonstrates that improvement is required to the management system (particularly out of hours notifications). It is concerning that current procedures relies on one member of staff to deal with out of hours alarm/notifications.

This issue should also be taken into account if the day to day running of the plant will be transferred to an external contractor.

On this occasion a CCS score 3 has been applied under condition 1.1.1 of the permit as improvement is required to the management system to deal with alarms received out of hours and in hours.

Please can the site reply no later than 31st August 2016 detailing what actions will be taken to prevent a similar incident from happening again , please also forward the relevant updated environmental management system in regards to out of hours procedure /action plan.

G1) Monitoring and records, maintenance and reporting.

As explained on site, according to our records we have still not received waste returns from your site in relation to April – June 2015 for Permit reference EPR/AP3739KS. We have subsequently received these from Danielle Richards on the 14th July 2016.

Failure to submit waste returns is a breach of permit condition 4.2.2. A CCS breach of 4 has been recorded on this occasion.

EPR Compliance Assessment Report

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Operator/Permit holder	Flintshire County Council	Date	13/07/2016

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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			
B5	X	Operator to provide explanation of the actual cause of not being able to operate the flare and provide information of subsequent actions taken. Site also to keep Natural Resources Wales updated on the possible installation of secondary blower.	31/08/2016
G4	C4	Site to submit missing quarterly returns for period April - June 2015.	14/07/2016
C2	C3	Improve management system and relevant procedures to deal with alarm notifications	31/08/2016

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.