



EPR Compliance Assessment Report

Report ID: AP3739KS/0199711

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

Site	BROOKHILL LANDFILL SITE		Permit Ref	AP3739KS	
Operator/ Permit holder	Flintshire County Council				
Date	31/12/2013	Time in		Out	
What parts of the permit were assessed	Monitoring 2013				
Assessment	Report/data review	EPR Activity:	Installation	X	Waste Op
Recipient's name/position	P Mulhall / H Mitchell				
Officer's name	Alison Soper		Date issued	18/02/2014	

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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

Condition(s) breached

a) Permitted activities	1. Specified by permit	N	
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	C3	2.7.1
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	C3	3.1.7
	2. Land & Groundwater	*C3	3.1.5 (suspended score)
	3. Surface water	C4	3.1.1
	4. Sewer	NA	
	5. Waste	N	
f) Amenity	1. Odour	N	
	2. Noise	N	
	3. Dust/fibres/particulates	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	N	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	C4	3.5.1
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	C4	4.3.1
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),

A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

Number of breaches recorded	6	Total compliance score (see section 5 for scoring scheme)	8.3
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If the Total No Breaches is greater than zero, then please see Section 3 for details of our proposed enforcement response

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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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

Review of all monitoring reports submitted during 2013

Breaches of permit conditions:

Condition 2.7.1 Leachate levels - These are monitored monthly and reported as required. The well tops were re-surveyed in March 2013 resulting in most of the levels being reduced. Leachate levels in most wells have remained fairly stable through 2013, however some did rise towards the end of the year with LC1 being slightly above its trigger limit of 2m above base. R3 and R5 also rose significantly in December with R5 remaining above the 3m trigger for LC5 throughout the year. Where levels of leachate are seen to be rising action needs to be taken to increase the rate of pumping and bring them back under control.

Condition 3.1.7 Landfill gas emissions - These are monitored weekly and reported monthly in the off-site boreholes. Breaches of the permitted limits for methane and carbon monoxide have been detected on a number of occasions during 2013, including a spell of 5 months for CO in borehole 24. Action needs to be taken when these elevated levels are first detected to improve the site's gas management and bring the levels back into compliance. These breaches of trigger levels also need to be notified to Natural Resources Wales without delay in accordance with condition 4.3. Action has been taken following the NRW audit of gas management in October to improve the gas management and further work is planned.

Condition 3.1.5 Emissions to groundwater - Levels of ammonia and chloride remain high in some of the external monitoring boreholes. The compliance score is suspended for these breaches as work is ongoing to assess the groundwater regime and determine appropriate trigger levels to protect any potential receptors.

Condition 3.1.1 Emissions to surface water. - Monitoring Point P2 is the only point listed in the permit with a requirement to monitor. Samples are taken from the pond prior to water being discharged and it is frequently in breach of the permitted limits so the water is pumped to the effluent plant. The reasons for the elevated levels of contaminants should be investigated at the time and appropriate action taken. Sampling procedures should also be reviewed and training given to ensure that a representative sample of water is taken that is not contaminated with silt from the bottom of the pond.

Condition 3.5.1 Monitoring - monitoring needs to be carried out at the time and frequency specified in the permit with sufficient time allowed to enable results to be reported to NRW on time. Monthly monitoring has slipped into the following month on a number of occasions. The annual flare and gas engine monitoring is scheduled very late in the year and has been delayed to allow for maintenance, pushing it into 2014 with the knock on delay in reporting results. This monitoring should be scheduled earlier in the year to allow for unexpected delays.

- There are wide discrepancies between the pH results taken in-situ by the site technicians and those reported by the lab. This could indicate a problem with calibrating the pH probe on site or a lack of training for the technicians. It is important that pH is measured

correctly as a change of more than 0.5 could be a useful immediate indication of a problem in the groundwater.

Condition 4.3.1 Notification - Breaches of permit limits should be notified without delay using the format given in Schedule 5 of the permit. Breaches of groundwater triggers do not need to be notified in this way as these are within an ongoing investigation.

 Cyfoeth Naturiol Cymru Natural Resources Wales	EPR Compliance Assessment Report		Report ID: AP3739KS/0199711
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Operator/ Permit	Flintshire County Council	Date	31/12/2013

Section 3- Enforcement Response		Only one of the boxes below should be ticked	
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.			X
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.			
We will now consider what enforcement action is appropriate and notify you, referencing this form.			

Section 4- Action(s)			
Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
C2	C3	Action needs to be taken when leachate levels are seen to be rising in wells to prevent trigger levels being exceeded.	N/A
E1	C3	Action needs to be taken when gas levels are seen to be rising in off-site monitoring locations.	N/A
E2	C3	Ongoing issue of high ammonia and chloride in off-site groundwater monitoring boreholes.	N/A
E3	C4	Results for surface water are in breach of emission limits although no discharge has taken place. Need to ensure that representative samples are taken and that procedures are followed correctly.	30/03/2014
G1	C4	Need to review procedures for in-situ groundwater monitoring as there are wide discrepancies between in-situ and lab results for pH.	30/03/2014
G4	C4	Breaches of permit limits need to be notified when they are found; apart from the groundwater triggers which are part of the ongoing investigation.	N/A

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.

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 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 which 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 fulfill 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 (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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information 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 twenty 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 the officer's line managers. 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.

