

Compliance Assessment Report

Report ID:
CAR_NRW0026769

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	14/12/2016	Time in	00:00	Out	00:00
Assessment type	Check Monitoring/Sampling				
Parts of the permit assessed	Quarterly monitoring (July-September 2016)				
Lead officer's name	Ellis, Rhys				
Accompanied by					
Recipient's name/position	Paul Murphy/ Landfill Manager	Date issued	16/12/2016		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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
C2 - General Management - Management system and operating procedures	C3	1.1.1
E2 - Emissions - Land and groundwater	C3	3.1.5
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	3.1.5
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.3.1 (b)

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

Thank you for providing your monthly and quarterly monitoring results.

This report reviews the monitoring reports submitted for July – September 2016 as part of the Quarterly and monthly reporting

Breaches of trigger levels were observed in the data which are summarised below:

G1) Monitoring of emissions and environment

G4) Reporting and notifications.

Leachate levels.

The leachate levels in the majority of monitoring wells have generally remained within trigger. However, the levels in well R1 appears to have steadily gone up and breached the 2m limit, and having reviewed the October results the trends seem to continue to go up. R5 has also been consistently high at about 4m above base when the trigger is 3m. This issue has been raised in previous CAR forms.

Due to a breach in leachate level limits as per condition 3.1.5 of your permit a category 3 breach has been noted against criteria G1 monitoring of emissions and environment.

Also Natural Resources Wales have not been notified of exceedances in leachate levels which is a breach of condition 4.3.1 (b) of your permit under sub criteria G4 Reporting and notifications.

ACTION 1: Please can the site provide an explanation of what actions are currently being undertaken in relation to this matter to bring the levels back into compliance and timescales for this work. Please submit your response no later than 20th January 2017.

It has been highlighted in previous CAR forms that NRW is still awaiting a report about the recharge rate of leachate across the site, and information about the amount of leachate pumped from the cells (especially cell 5 and 1).

There also appears to be a minus result of - 0.63 for L1 in August 2016. Please can you provide an explanation for this.

E1 Emissions to Land and Groundwater

Groundwater depth and quality monitoring was carried out as required by the permit. The levels of Chloride and Ammoniacal Nitrogen were consistently breached in boreholes GW2A, GW3A and GW4 with concentrations continuing to fluctuate. Toluene was measured at 0.148 mg/l in GW4 significantly higher than the trigger level of 0.004mg/l.

These events have been given a single Category 3 breach under condition 3.1.5 which stipulates that trigger levels for emissions into groundwater for the parameters and monitoring points set out in schedule 3 table S3.4 shall not be exceeded. (Additional parameters to the long standing issue of Chloride and Ammoniacal Nitrogen have been breached such as Toluene)

It is acknowledged that historic readings have shown constant breaches in these groundwaters (specifically Chloride and Ammoniacal Nitrogen), and that you have sent a schedule 5 recently notifying of this (dated 12th October 2016). The schedule 5 does stipulate that ongoing GW investigation to discover cause is being undertaken and that you will be in consultation with NRW to have these limits raised as part of the closure plan.

There also appears to be data missing for GW 1.1 for months July, August, September for both Ammonia and Chloride.

ACTION 2:

Please can you provide Natural Resources Wales an update on the above matter no later than 20th January 2017. (Groundwater investigations)

Please provide a timescale for submissions of the Hydrological risk assessment.

As previously discussed a Hydrological risk assessment is still required. The groundwater trigger levels will be reassessed as part of the HRA review.

It is important that you look into these matters as soon as possible to enable the potential discussions of re evaluating trigger levels to proceed to avoid further breaches of your permit occurring.

ACTION 3:

Please could you also confirm why there are data entries missing for Groundwater well 1.1 for July, August and September for both Ammonia and Chloride. Please respond by 20th January 2017.

C1 General Management

A CCS breach of 3 has been recorded against Permit condition 1.1.1. which requires the activities to be operated in accordance with a management system which identifies and minimises the risk of pollution, However , this does not appear to be the case with exceeding limits and the associate failure to investigate , action and prevent breaches of limits.

Your Environment Management system should have a procedure in place to ensure that abnormalities in monitoring trends that could indicate problems are picked up, and investigated promptly to enable issues to be tackled and resolved before the breach of permit occurs or to avoid a breach continuing for a long period of time.

An example of this would be the the leachate levels at R5, which does not appear to have decreased during the June to October 2016 period and levels in R1 have been steadily increasing from June to Ocotober 2016. Neither of these issues appear to have been noted and details provided of what actions will be to taken.

ACTION 4 : Please can the site confirm if there is a relevant procedure in place to cover the above, and confirm how you will address the failures mentioned above. Please can you reply no later than the 20th January 2017.

ACTION 5:

Harvey Mitchell (Flintshire County Council Waste Services Manager) in July 2016 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, with Flintshire County Council remaining to be the overall permit holder.

Could you provide me with an update on this matter no later than 20th January 2017.

EPR Compliance Assessment Report

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Operator/Permit holder	Flintshire County Council	Date	14/12/2016

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.

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.

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			
E2	C3	Please refer to Action 2	20/01/2017
G1	C3	Please refer to Action 1	20/01/2017
C2	C3	site to confirm if there is a relevant procedure in place to cover this, if so site to forward to NRW if not EMS need to be revised.	20/01/2017
G4	C4	Operator to Notify of any breach of limit specified in the permit including details of actions taken to bring site back into compliance .	16/12/2016

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 reports 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 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.