

Compliance Assessment Report

Report ID:
CAR_NRW0023729

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	05/07/2016	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	monitoring returns				
Lead officer's name	Soper, Alison				
Accompanied by					
Recipient's name/position	Harvey Mitchell/ Waste and Ancillary Services Manager	Date issued	08/07/2016		

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
E2 - Emissions - Land and groundwater	C3 - Suspended	3.1.5
	C3	2.7.1
E3 - Emissions - Surface water	C3	3.1.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	Schedule 5 notification

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)	8.1
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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

Monitoring returns for January to May 2016

Monitoring was carried out as required by the permit and reports submitted on time.

Perimeter Boreholes

All results for the gas monitoring in the perimeter boreholes were within the trigger levels, and for the most part reasonably stable. There was one occasion when methane rose to 0.8% in BH20 in early March against a trigger of 1%, but for most of the period all results were well under the trigger. It is important that action is taken if a rising trend is observed rather than waiting for the trigger to be breached.

The gas field appears to be more stable, however continued careful management will be needed to maintain the extraction.

Groundwater

Concentrations of ammonia and chloride in groundwater monitoring wells 2A, 3A and 4 continue to be above the permit triggers and this has been recorded as a category 3 breach of permit condition 3.1.5. However as it is a long-standing issue, the score is suspended pending the reassessment of the trigger levels. GW2A and GW4 were within the levels proposed by NRW as new trigger levels, but GW3A would still be above at present. Concentrations of ammonia and chloride are also above these levels in GW1.1 and GW8 although these do not currently have trigger levels set.

Leachate

The level of leachate in Cell 1 rose steadily through the reporting period with R1B breaching the trigger limit in April and May. This has been recorded as a category 3 breach of permit condition 2.7.1. The level of leachate in R5 has remained high, above the trigger level of 3m, and rose further during May after the problem with the pump in April had reportedly been fixed. The failure to notify this pump failure has been recorded as a category 4 breach of permit condition 4.3.1 as it had the potential to cause pollution. It is important that the leachate levels are reduced in these wells and maintained at compliant levels, particularly in Cell 1 where the surrounding groundwater is lower. The lower volumes of leachate being extracted from the site may also be having an impact on the treatment efficiency in the leachate treatment plant as it was designed to treat considerably more than is going through it at present.

NRW is still awaiting a report about the recharge rate of leachate across the site, and information about the amount of leachate pumped from each cell. This needs to be done before the HRA can be reviewed which is now due.

Surface Water

A breach of the limits for COD and suspended was reported during April from P2. This has been recorded as a Category 3 breach of condition 3.1.1. A Schedule 5 notification should also have been submitted for this breach.

EPR Compliance Assessment Report

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Operator/Permit holder	Flintshire County Council	Date	05/07/2016

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.

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			
G4	C4	Ensure procedures are followed to notify of events that may cause a breach of the permit or an environmental impact	31/07/2016
E2	C3	Continue to reduce leachate levels and maintain them below permitted levels	31/12/2016
E2	C3	Ensure the leachate head is reduced to below 2m in Cell 1	31/07/2016
E3	C3	Ensure sample is taken correctly and that water is only discharged when it is compliant with permit limits	31/07/2016

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.