

Compliance Assessment Report

Report ID:
CAR_NRW0031552

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	27/04/2017	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	See comment section				
Lead officer's name	Ellis, Rhys				
Accompanied by					
Recipient's name/position	Paul Murphy, Harvey Mitchell, / Site Manager. Streetscene Manager	Date issued	02/05/2017		

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
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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	0	Total compliance score (see section 5 for scoring scheme)	0
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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 the detailed response in relation to CAR_NRW0031266. Your response was written by Diana Brookshaw of Caulmert

A response for each action highlighted in the form was provided. The below responses have either recommendations, actions or require further information.

Action 1.

You confirmed that the 400 KW Perkins engine was installed on the 2nd March 2017 and is currently operating at full capacity. Emission monitoring for this unit (also the flare) has been commissioned for the 5th April 2017. A subsequent email was received on the 21/04/2017 with this information, Natural Resources Wales will review this information and respond separately.

Action 3 and 4.

You advised that SGG (Contractor responsible for the pump servicing) carried out works to establish the depth to base of the wells onsite and install counters for each pump and a copy of the report was submitted. We agree that there are discrepancies which you have advised will be investigated and findings provided to NRW by the 28th April 2017.

Action 5 and 6.

Your response for points (a) (b) and (c) has been forwarded to the Geoscience team. We will be in further contact once we have received comments from that team.

In the interim as stated in your letter point (d) please could you forward the findings of the investigation on the recharge rate of the wells to Natural Resources Wales which you stated will be received on the 28th April 2017.

Action 9.

You have attached the Topographical Survey that was undertaken on the 28/07/2016. In summary the findings show that using this survey and the one carried out in 2015, you were able to confirm that there has been a settlement of 9586m3 at the site as a whole.

From this topographical survey could you please confirm:

- a) Are these topographical figures used for the AOD top of chamber results In your monitoring returns? If so are the monitoring returns updated to reflect this?
- b) When the operator undertake measurement of "top of chamber" are these undertaken from the ground area level or from the top of the chamber.
- c) Do the new topographical results influence the leachate head results and any other parameters in your monitoring spreadsheets?

Action 10

It was confirmed that the results reported for annual production/treatment of landfill gas at the site have been identified as an error and an explanation of the correction has been made.

Please can the operator ensure that there is a robust review of the data prior submission.

Responses to section 4 of CAR Form.

You also summarised progress in relation to actions specified in Section 4 of NRW 's form.

Timely Collection of environmental data

Its encouraging to see that there is now actions agreed between FCC waste management representatives to facilitate the timely collection of environmental monitoring data and its review and reporting within the timescales stipulated in the permit.

ACTION: Please can the relevant reviewed procedures within the EMS be submitted to Natural Resources Wales.

It must also be noted that there is onus on site staff/operator to be aware of these procedures and that there is a system in place within site to ensure that the relevant data is collected i.e before the 10th of each month which should help to avoid the need for Caulmert to chase the operator up for the information.

ACTION : Please also review your EMS to cover quality assurance of data submitted to NRW as highlighted in Action 10 above.

ACTION: Please can you confirm if relevant site staff have been trained and made aware of these changes and forward any training records if applicable.

Please can the site action the above no later than 31st May 2017

Bring leachate limits under control.

You confirmed that all reported recent monitoring are currently within the agreed levels in January and February 2017.

There does seem to be a breach with R1B in January.

However consideration might need to be given (See Action 9) before any definite conclusions are drawn from the monitoring reports and the findings of SGG 's report might need to be considered also.

We therefore recommend that you review these recent monitoring and update us of any corrections as soon as possible.

EPR Compliance Assessment Report

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Operator/Permit holder	Flintshire County Council	Date	27/04/2017

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			

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.