

	EPR Compliance Assessment Report	Report ID: AP3739KS/0232147		
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	31/12/2014	Time in		Out
What parts of the permit were assessed	Monitoring returns for October - December 2014 + Annual reports			
Assessment	Report/data review	EPR Activity:	Installation: X	Waste Op: Water Discharge:
Recipient's name/position	P Mulhall / H Mitchell			
Officer's name	Alison Soper	Date issued	24/02/2015	

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	N		
	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	A		
	2. Land & Groundwater	C3	2.7.1	
	3. Surface water	A		
	4. Sewer	NA		
	5. Waste	N		
f) Amenity	1. Odour	N		
	2. Noise	N		
	3. Dust/fibres/particulates	A		
	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	4.2.3	
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	3	Total compliance score (see section 5 for scoring scheme)	4.2
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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

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.

Leachate

The leachate head in R5 remained well above the limit throughout the reporting period, (breach of permit condition 2.7.1). R6 was also above 2m head and increased in December, as did R4 although it was below the 3m limit. The leachate head values reported monthly for L6 have been significantly lower than those in the annual report for July to September. Please provide an explanation for this discrepancy.

Leachate extraction reduced significantly in December which will have led to increasing levels in the cells at a time when efforts should be made to reduce them to compliant levels. Reduction and maintenance of compliant leachate levels must be a priority.

Some of the leachate head levels are being reported as negative values. No explanation has been given for this. The figures in the reporting spreadsheet should be checked to ensure that correct leachate heads can be measured and reported.

Groundwater

The annual report refers to two reported ammonia results for GW2 and GW7 which appear to be erroneous. Data should be checked before it is submitted to NRW and any outliers highlighted (breach of permit condition 4.2.3). They may be due to errors, or equally, may be indicators of problems. No sample was taken from GW3 in December as the borehole was blocked (breach of permit condition 3.5.1). It should have been re-sampled as soon as the blockage was clear as there are no results for the annual, quarterly or monthly suites from this point. The annual sampling should be taken earlier in the year to allow time for re-sampling in the event of a problem such as this. The missing analysis must now be carried out as soon as possible.

Groundwater quality surrounding the site has continued to fluctuate during the year, possibly linked to the poor control of leachate levels in some of the cells. The proposed groundwater compliance limits requested in my letter of 16 Dec 2014 are now due.

Landfill Gas

The flare and engine emissions were monitored as required and were within tolerable ranges of uncertainty to be compliant. The monitoring contractor's report contains incorrect emission limit values for the flare, NO_x is 150mg/m³ and CO 50mg/m³, not the other way around, so the result of 61.7mg/m³ for CO is above the limit, but within the +/- 30% for this parameter to be acceptable. The condensate in the pipeline may have contributed to the elevated CO as it could cause irregular combustion. Please can you confirm that the pump has been installed to remove this condensate. Please can you also confirm that the gas field is balanced each month when the wells are monitored.

The high level of oxygen in the gas is a concern and the actions recommended from our audit in December should be carried out without delay to seal well heads and prevent air ingress. Improvements to the gas management must be a priority to prevent migration.

Outstanding actions

No report has been received for the annual FID survey. The annual topographical survey was carried out and a plan provided, however the labels for the wells did not correspond to those

used in the reporting spreadsheets so a revised plan was requested. This has not been provided as yet.

A number of actions from previous CAR forms are still outstanding. These need to be addressed without further delay.

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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.	☐
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			
E2	C3	Reduce leachate head to compliant level	31/03/2015
G1	C4	Take missing sample from G1 for annual and monthly analysis	31/03/2015
G4	C4	Ensure data is checked for outliers	N/A

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.