

	EPR Compliance Assessment Report	Report ID: AP3739KS/0257019			
This form will report compliance with your permit as determined by an NRW officer					
Site	Brookhill Landfill EPR/AP3739KS		Permit Ref	AP3739KS	
Operator/ Permit holder	Flintshire County Council				
Date	31/12/2015		Time in	-----	Out -----
What parts of the permit were assessed	Q4 and annual monitoring returns for 2015				
Assessment	Report/data review	EPR Activity:	Installation	X	Waste Op
					Water Discharge
Recipient's name/position	Harvey Mitchell / Phil Mulhall				
Officer's name	Alison Soper		Date issued	08/02/2016	

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	C3	3.1.2
	2. Land & Groundwater	C3	3.1.2
	3. Surface water	N	
	4. Sewer	N	
	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	A	
	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	3	Total compliance score (see section 5 for scoring scheme)	8.1
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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.

This report reviews the monitoring reports submitted at the end of 2015 covering the annual and quarterly permit requirements for this period.

Actions from previous Compliance Assessment Reports (11/06/15 and 01/09/15):

Gas audit recommendations - due by 17/07/15 - A meeting was held between Flintshire CC and NRW in July 2015 when the issues were discussed. Following this significant improvements have been made to the gas field with the installation of 15 new wells and a major service of the engine. Support has been provided by NRW throughout.

Site closure plan - due by 30/11/15 - A proposal was provided by Caulmert which was agreed by NRW. The final report is still awaited.

Repairs to on-line gas monitoring equipment – completed

Investigate high leachate level in well R5 - completed, further work planned (see below)

Submit outstanding waste returns - completed.

Provide a response to the leachate spill investigation re bund capacity - due 30/12/15 - Not received. Please provide this response by 29/02/16.

Monitoring Compliance

All the monitoring was carried out as specified in the permit and reports submitted on time. A number of breaches of trigger levels were observed in the data:

Leachate -

The leachate levels in the monitoring wells have generally remained stable through 2015 and most have been kept below the trigger levels. However, the level in well R5 has been consistently high at about 4m above base when the trigger is 3m. Investigations carried out in the summer found the base of the well to be silted up and there are plans in place to have this, and the other wells de-silted as soon as weather conditions allow. R5 was also found to be foaming, adding to the uncertainty over the true level of leachate. The non-compliance was scored in June and will be suspended for this quarter due to the ongoing investigations.

The amount of leachate treated in the on-site plant has varied through the year and seems to be driven by the functioning of the treatment plant rather than the amount of leachate needing extraction. This can lead to other problems within the site if the leachate levels fluctuate, including the risk of leachate breakout.

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 0.048mg/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 3.1.2 for the year in accordance with the NRW compliance assessment guidance.

The Hydrological risk assessment is still required, and was awaiting an assessment of leachate extraction rates. This work needs to be carried out without further delay as there can be no progress towards achieving the aftercare status of the site until the HRA is completed and agreed. The groundwater trigger levels will be reassessed as part of the HRA review.

Landfill Gas

The routine gas monitoring has been carried out as required. Gas concentrations in the perimeter boreholes have decreased following improvements in the gas field management. A major service on the engine and the installation of new wells has taken place and this should enable better control of extraction and increased energy production.

The emissions from the gas engine and the flare were monitored in March, with CO in the flare emissions measured above the permit limit. This was not reported at the time and has been given a Category 3 non-compliance. The failure to notify has been given a Category 4 non-compliance. The VOCs in the engine emissions were high, but within the allowable uncertainty for compliance. However it does point to possible problems and maintenance must be kept up to ensure that the engine is burning the gas effectively.

Notifications

Part B Notifications are still outstanding for the Part A notifications submitted on 14/07/15, 10/06/15 and 25/09/15. A response to the CAR action from 01/09/15 re action to be taken following the leachate spill is also still outstanding.

CQA Validation

The CQA validation report for the new gas wells was received and demonstrates that the wells were installed as described.

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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.			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			
E1	C3	Ensure the gas engine and flare are well maintained to minimise emissions	N/A
E2	C3	no action specified for Toluene breach. Continue to take action to reduce the leachate level in R5	30/04/16
G4	C4	Ensure breaches of permit limits are reported at the time they are observed.	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.