

Compliance Assessment Report

Report ID:
CAR_NRW0031800

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	22/06/2017	Time in	N/A	Out	N/A
Assessment type	Check Monitoring/Sampling				
Parts of the permit assessed	Quarterly monitoring (April-March 2017)				
Lead officer's name	Ellis, Rhys				
Accompanied by					
Recipient's name/position	Paul Murphy, Harvey Mitchell, / Site Manager. Streetscene Manager	Date issued	30/06/2017		

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
E2 - Emissions - Land and groundwater	C3	3.1.5
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	2.7.1

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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

This report reviews the monitoring reports submitted for January – March 2017 as part of the Quarterly results and respond to a response letter in regards to CAR_NRW0031552.

Response letter.

Thank you for responding to points raised in the compliance assessment report (CAR_NRW0031552).

Action 3 and 4.

You advised that rodded depths have now been reviewed against updated top of well levels. Thank you for clarifying R3.

Your response does detail that R3 was the primary focus of this investigation. However Table 1 does raise some questions:

- There is no rod depth check for LC1 B and LC2B. ACTION A : Please can the site provide them as required by permit condition table S3.8.
 - LC4B Indicate difference chamber/ Cell Base (m) of 11.46 with a rod depth of 26.97. However the dip level recorded in the well in April 2017 was 38.17. Could it be that the rod depth was taken at LC4 rather than LC4B?
- ACTION B: Review rod depth check for this well and if required obtain new rod depth data for LC4B.

Action 5 and 6

You advised that the recharge to the leachate wells was reviewed over a period of approximately 2 weeks between 26th April 2017 and 11th May 2017 and you provided a Leachate daily recharge volumes in Table 2 .

These will be forwarded to our Geoscience team

Natural Resources Wales agree to your period of 6months of data collection in accordance with the proposals of measuring pumped leachate volumes on a cell by cell basis and in regards to the recharge rates.

You also advised that cessation tests to determine recharge to the wells would be undertaken on the 15th June 2017 with an interpretation letter report provided within 5 days of receipt of the result.

On receipt these will be forwarded to our geoscience team for comment with the aim of arranging a possible meeting between NRW (Industry regulation team and Geoscience team), Caumert and Flintshire county council to discuss findings and recommendations.

Action 9.

In regards to responses a) b) and c) please ensure moving forward that all topographical surveys are updated in the monitoring results.

Action 10.

Please provide the EMS and documents relating to the requirements under section 10 by the 7th July 2017.

E2 Emissions to Land and Groundwater

Groundwater depth and quality monitoring was carried out as required by the permit.

Exceedances of permit limits were observed in regards to ammonical nitrogen (1.7 mg/l). These were observed in GW2A, GW3A and GW4 during the review period. Maximum concentrations of ammonical nitrogen in GW2A, GW3A and GW4 were 14.3 mg/l, 74.9mg/l and 34.1 mg/l respectively. You have noted also that these concentrations are similar to those recorded in the previous review period (14.4mg/l, 64.8mg/l and 44mg/l respectively)

Exceedance of the Environmental permit for chloride (60 mg/l) were also observed in GW2A. GW3A and GW4 during

the review period. Maximum chloride concentrations were 146mg/l, 192mg/l and 120 mg/l respectively.

These are slightly higher than the ones recorded in the previous review period (136mg/l, 160mg/l and 96mg/l respectively.)

Due to the breach of permit limit in regards to trigger levels or emissions into groundwater a CCS3 breach has been noted against permit condition 3.1.5.

G1) Monitoring of emissions and environment

Leachate levels.

Marginal exceedance is noted within Cell 1, particularly in January and March .

Also there is a significant increase in Cell 2 to 4.14 from a permit limit of 3.

Cell 2 has been relatively compliant until March this year, is there a specific reason for this increase?

Due to the breach in trigger levels within Cell 1 and 2 a CCS3 breach has been noted against permit condition 2.7.1.

Site draft closure.

The site have now been breaching leachate levels stipulated in the permit for a considerable amount of time. The management of leachate levels need to be a priority moving forwards and leachate levels must be brought to a compliant and manageable levels before the site enters any stage of closure. The site must action the following :

- **Action A** - Bring leachate levels back into compliance before 21st August 2017. Failure to do this will lead to further enforcement action.
- **Action B** - Increase groundwater monitoring (Weekly suggested) for the next few months to assess the impact on the quality of the groundwater as a result of bringing leachate levels into compliance. This information can then be included in the final closure report.
- **Action C** – Please can the site confirm if up gradient and downgradient groundwater monitoring boreholes target the same groundwater horizon . Please provide any supporting information.
- **Action D** – Site to review condition Table S3.8 relating to depth to base of monitoring as per Action A above.

You have stipulated that the closure plan for the site has been revised in accordance with the correspondence by Alison Soper dated as the 30th June 2016. We would also like you to consider the above actions in your submissions.

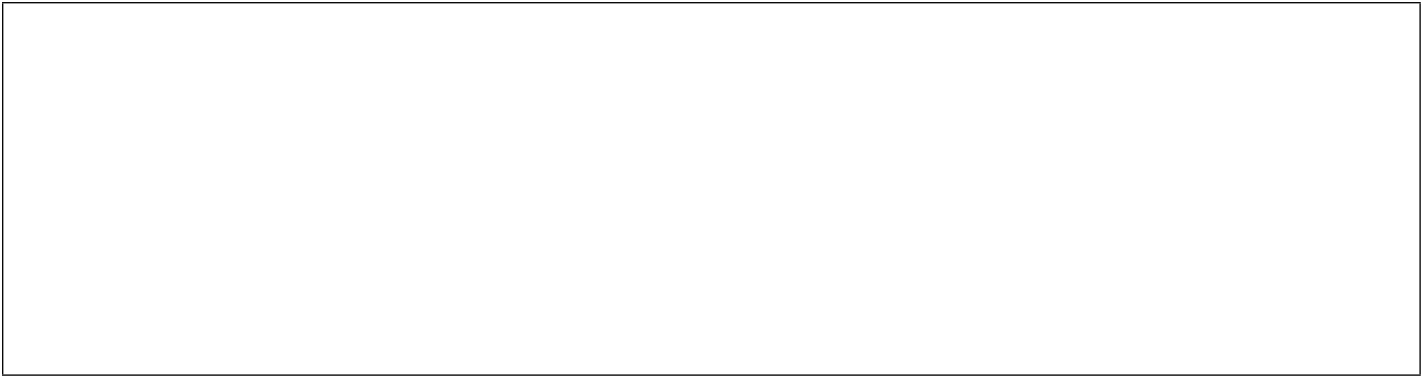
Please can you provide a timescale for the submission of the site draft closure report.

HRA

• Natural Resources Wales believe that submission of the HRA should be sooner. Natural Resources Wales 31/12/2017. Providing that previous comments provided by NRW geological team is accepted then its our view there is no need for a scoping report. Please confirm if points raised in letter dated 9th June 2015 have been taken into account.

• Our Geoscience team have pointed out that the operator should also be carrying out field measurement for groundwater quality. DO seem to absent in monitoring returns **ACTION E** : can the operator confirm if these are undertaken, if not please can it be instigated with immediate effect.

• Field measurement should also be undertaken for leachate (excluding DO). **ACTION F**: Can the operator confirm if these are undertaken, if not please can it be instigated with immediate effect. Please note - we recommend that a separate monitoring probes/equipment is used for the leachate to avoid cross contamination with much cleaner groundwater.



EPR Compliance Assessment Report

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Site	Brookhill Landfill Site EPR/AP3739KS	Permit Ref	AP3739KS
Operator/Permit holder	Flintshire County Council	Date	22/06/2017

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.

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	comply with permit condition. Amongst some of the actions is to increase groundwater monitoring (weekly suggested) for the next few months to assess the impact of the quality of groundwater as a result of bringing leachate levels down as per other action highlighted in CAR form	21/08/2017
G1	C3	Bring leachate levels back into compliance before 21st August 2017	21/08/2017

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.