

Compliance Assessment Report CAR_NRW0042170

Permit being assessed: AP3739KS.

For: Brookhill Landfill Site EPR/AP3739KS, **held by:** Flintshire County Council

At: BROOK HILL LFS PINFOLD INDUSTRIAL ESTATE , BUCKLEY, BUCKLEY, CLWYD, CH7 3PL.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 26/04/2023.

Parts of permit assessed: See Below.

NRW Lead Officer: Philip Harper.

Report sent to: Ruth Tulley/ Paul Murphy, Regulatory Services Manager/ FCC Landfill Manager, on 03/08/2023.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR4B - Information - Reporting	C4 No impact	4.2.3
IR3E - Emissions and monitoring - Monitoring	C3 Minor	3.5.1(b)
IR3E - Emissions and monitoring - Monitoring	C3 Minor	3.5.1(d)

Result types are explained in more detail in the 'Important Information' section below.

Total non-compliances recorded	Total non-compliance score
3	8.1

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
IR4B	Ensure that future reports are submitted on time.	31/01/2024
IR3E	Undertake monitoring for gas engine	31/12/2023
IR3E	Undertake monitoring for trace gas.	31/12/2023

Compliance criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

Review of Brookhill Landfill Annual Monitoring Report 2022

The Brookhill Landfill Annual Monitoring Review 2022 was submitted to NRW on the 26th April 2023. Permit condition 4.2.3 requires that a report or reports on the performance of the activities over the previous year to be submitted to Natural Resources Wales by the 31st January. An extension was agreed with submission by the 12th April 2023.

The report was still overdue. The delay was because of annual monitoring not having been completed during the annual reporting period.

A **category 4 score** has been applied against permit condition 4.2.3 under subsection IR4B- Reporting.

Action 1: Ensure the annual report for 2023 is submitted by the 31st January 2024.

Leachate

Annual leachate sampling was undertaken during December 2022 in accordance with Condition 3.5.1(a) and Table S3.8. Levels remain above compliance limits in all Cells except Cell 3. Breaches have been identified within CAR forms relating to quarterly monitoring for 2022.

The base of the leachate wells were dipped in December 2022.

Point Source Emissions

Condition 3.5.1(b) requires annual point source emission monitoring to be undertaken, as specified in Table S3.2. The landfill gas engine was monitored on the 6th February 2023.

The operator was reminded of the annual monitoring requirements in CAR_NRW0039355 which was issued to the operator the 18th February 2022.

As a repeat occurrence this has attracted a category 3 breach of permit Condition 3.5.1(b) as the monitoring was not undertaken during the reporting year (2022).

Action 2: Ensure monitoring is undertaken in accordance with the permit and review when it is scheduled to minimise any impacts caused by delays.

The results for oxides of nitrogen, carbon monoxide and volatile organic compounds were within the ELVs

specified in Table S3.2 once levels of uncertainties had been taken into account.

The flare was not monitored as it had been utilised for less than 10% of the year.

Groundwater

Annual groundwater sampling was undertaken during December 2022 in accordance with Condition 3.5.1(c) and Table S3.9. This was discussed in CAR_NRW0041111 with an action to continue to monitor trends.

Landfill Gas

Condition 3.5.1(d) requires landfill gas monitoring as specified in Table S3.7 to be undertaken annually. Trace gas analysis was undertaken on the 27th March 2023. The operator was reminded of the annual monitoring requirement in CAR_NRW0039355 which was issued to the operator the 18th February 2022.

As a repeat occurrence this has attracted a category 3 breach of permit Condition 3.5.1(d) as the monitoring was not undertaken during the reporting year 2022. See Action 1 above.

Nb: Separate annual reporting is required for 2023 and the above information cannot be submitted as part of the 2023 annual review.

In accordance with Condition 3.5.1(d) and Table S3.6 Flame Ionisation Detector (FID) walkover survey of the landfill was carried out on the 14th and 15th September 2022. The gas engine was operational during the survey. Methane was detected at 5 point sources across the site, these readings were all at leachate or gas wells rather than surface emissions. The methane concentration at these locations was below 0.2 % in all cases.

Advice and Guidance: The integrity of the seals at all wells should be checked routinely.

Advice and Guidance: The operator is reminded that table S3.6 states where a rate of 0.001 mg/m/second is exceeded appropriate measures must be taken to reduce the rate.

Annual Production/ Treatment

Permit condition 4.2.2(b) and Table S4.3 requires that the energy consumption at the site is reported. Figures have been reported for 2022.

Topographical Survey

In accordance with permit condition 4.2.3(d-g) the topographical survey was undertaken on the 22nd July 2022. The settlement between the survey in June 2021 and July 2022 is approximately 3,364 m³. As the site has been filled a calculation of remaining capacity has not been provided.

As requested previously, an assessment of the settlement behaviour of the landfill body has not been provided and should be included in future reports.

Action 3: Ensure any assessments are included in future reports including how the levels link to the planned settlement of the site.

Kind Regards

Phil Harper

Industry and Waste Regulation Officer NW

03000 65 3717/ 07890025506

philip.harper@cyfoethnaturiolcymru.gov.uk

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or

suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or 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
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within twenty working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 to 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.