

## Compliance Assessment Report CAR\_NRW0042235

**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:** 31/03/2023.

**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 08/08/2023.

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

| Part of permitted activity assessed (compliance criteria)         | Assessment result | Permit condition   |
|-------------------------------------------------------------------|-------------------|--------------------|
| IR2I - Operations - Leachate levels (only applicable to landfill) | C3 Minor          | 2.7.1              |
| IR3A - Emissions and monitoring - Emissions to water, air or land | C3 Minor          | 3.1.5 Schedule 3.4 |
| IR3A - Emissions and monitoring - Emissions to water, air or land | C3 Minor          | 3.1.5 Schedule 3.4 |
| IR3E - Emissions and monitoring - Monitoring                      | Assessed (A)      |                    |

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

| Total non-compliances recorded | Total non-compliance score |
|--------------------------------|----------------------------|
| 3                              | 12                         |

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 |
|----------|-----------------------------------------------------------|-------------|
| IR2I     | Continue to manage levels by extracting leachate from the | 30/09/2023  |

| Criteria | Action needed                                                  | Complete by |
|----------|----------------------------------------------------------------|-------------|
|          | site.                                                          |             |
| IR3A     | Monitor ammoniacal nitrogen trends. Consider permit variation. | 30/09/2023  |
| IR3A     | Monitor chloride trends, consider permit variation             | 30/09/2023  |

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

#### **Quarterly Monitoring of Results- Q1 2023 (January– March).**

Quarter 1 monitoring data for Brookhill Landfill Site, Pinfold Industrial Estate, Buckley, Clwyd, CH7 3PL was submitted to Natural Resources Wales in accordance with permit condition 4.2.2 on the 3<sup>rd</sup> May 2023.

Reporting of monitoring for Brookhill Landfill site continues to be submitted late to NRW. Although this is a minor contravention of the environmental permit processes should be put in place to ensure that data is submitted on time in the future.

#### **Monitoring of Emissions and the Environment**

Monitoring has been undertaken in accordance with Condition 3.5 and Schedule 3 of the permit.

#### **Landfill Gas**

Methane and Carbon dioxide levels did not exceed the permitted limits in offsite monitoring boreholes during the review period.

#### **Borehole 8.**

Reported gas concentrations at borehole 8 show that a maximum methane concentration of 31.9 % v/v was detected compared to the permitted limit of 32.2 % v/v and a maximum carbon dioxide concentration of 3.5 % v/v compared to the permitted limit of 3.6 % v/v. This represents an approach to limit in both cases.

**Advice and Guidance:** The Operator is advised that it should continue monitor gas concentrations carefully in case work is required to the gas extraction system.

It was noted in the report that oxygen levels greater than 5 % have been observed in gas wells across the site. These are being managed in accordance with the gas management plan.

**Leachate Levels**

Leachate level breaches over the 2m and 3m above base limits occurred in all cells apart from Cell 3 which remained compliant throughout the quarter. The maximum leachate rest levels, above the compliance levels, were as follows: Cell 1 (0.64 m), Cell 2 (0.3 m), Cell 4 (1.69 m), Cell 5 (1.4 m) and Cell 6 (2.94 m).

A **category 3** score has been applied against permit Condition 2.7.1 "For the following activities referenced in schedule 1, table S1.1 (A1.) The limits for the level of leachate listed in schedule 3 table S.1 shall not be exceeded".

**Action 1:** Continue to manage levels by extracting leachate from site.

**Leachate Quality**

Leachate quality is monitored monthly and has been reported as described by permit Condition 3.5.1(a) and Schedule 3.8. No permit breach has been identified.

**Groundwater Levels**

Groundwater levels were recorded monthly with levels reflecting seasonal trends.

**Groundwater Quality**

The sampling of groundwater was undertaken monthly as stated in permit Condition 3.5.1(c) and Schedule 3.9.

The following emissions limit breaches were observed, maximum measured concentration provided in each case:

**GW2A:** ammoniacal nitrogen **5.44 mg/L** compared to permitted limit of 1.7 mg/L, Chloride **90.5 mg/L** compared to permitted limit of 60 mg/L.

**GW3A:** ammoniacal nitrogen **12.9 mg/L** compared to permitted limit of 1.7 mg/L, Chloride **131 mg/L** compared to permitted limit of 60 mg/L.

**GW4A:** ammoniacal nitrogen **6.14 mg/L** compared to permitted limit of 1.7 mg/L.

A **category 3** score has been applied because of an ELV breach of ammoniacal nitrogen against permit Condition 3.1.5 "For the following activities referenced in schedule 1, table S1.1 (A1.) The trigger levels for emissions into groundwater for parameters and monitoring points set out in schedule S3.4. shall not be exceeded".

A **category 3** score has been applied because of an ELV breach of chloride against permit Condition 3.1.5 "For the following activities referenced in schedule 1, table S1.1 (A1.) The trigger levels for emissions into groundwater for parameters and monitoring points set out in schedule S3.4. shall not be exceeded".

No other breaches were identified.

**Action 2:** Continue to monitor trends. As per previous CAR forms and advice, consider varying the trigger limits for these boreholes.

**Surface Water**

Surface water data from P4 indicates that the permitted surface water emissions limits set for P2 have not been exceeded (no emission limits have been set for P4).

No other surface water samples could be obtained.

No breach identified.

**Emissions to Sewer**

The quality of leachate which was discharged to the Welsh Water sewage network was reported in accordance with permit Condition 3.5.1(g) Schedule 3.11. All parameters were compliant with the Welsh Water discharge consent with the exception of ammoniacal nitrogen.

**Dust**

Dust monitoring has been undertaken in accordance with permit condition 3.5.1(f). No breaches have been observed.

**Reporting and Notification to Natural Resources Wales**

A report presenting monitoring data for Q1 2023 has been received as specified by permit Condition 4.2.5.

A number of permit breaches have been identified within the quarterly report. Completed Schedule 5 notifications for permit breaches were received by NRW in line with permit Condition 4.3.1.

Kind Regards

**Phil Harper**

**Senior Industry and Waste Regulation Officer NE**

**03000 65 3717/ 07890025506**

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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](mailto: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](mailto: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.