

Compliance Assessment Report

Report ID:
CAR_NRW0036274

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	23/12/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Q3 and Q4 2019 Monitoring returns				
Lead officer's name	Oakes, Ian				
Accompanied by					
Recipient's name/position	Paul Murphy/ Site Manager	Date issued	05/02/2020		

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
B1 - Infrastructure - Engineering for prevention and control of emissions	C3	2.7.1
	C3	2.7.1
E2 - Emissions - Land and groundwater	C3	3.1.5
	C3	3.1.5

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	4	Total compliance score (see section 5 for scoring scheme)	16
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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

Q3 July – September and Q4 October – December 2019 monitoring non - compliances (*text provided*):

1. E1 Landfill gas

No methane or carbon dioxide breaches of weekly gas monitoring of perimeter boreholes BH1 to BH25.

2. E2 Emissions to land and groundwater

2.1 Groundwater levels

Q3 / Q4 Groundwater levels remained stable and followed seasonal trends.

2.2 Groundwater quality boreholes GW1 – GW8

Q3 2019 Exceedances for ammoniacal nitrogen >1.7 mg/l were observed in GW2A, GW3A and GW4 with maximum concentrations of 8.9, 10.3 and 16.4 mg/l respectively. Q3 Exceedances for chloride >60 mg/l were also observed in GW2A, GW3A and GW4 with maximum concentrations of 74.2, 89.5 and 170 mg/l respectively.

Q4 2019 Exceedances for ammoniacal nitrogen >1.7 mg/l were observed in GW2A, GW3A and GW4 with maximum concentrations of 3.9, 29.9 and 23.6 mg/l respectively. Q4 Exceedances for chloride >60 mg/l were also observed in GW2A, GW3A (GW4 in compliance) with maximum concentrations of 105 and 146 mg/l respectively.

Permit condition 3.1.5 Groundwater emission limits: In line with previous non-compliances Q3 and Q4 both attract a CCS3 for groundwater quality.

Action 1: To be re-assessed as part of the 2019 annual monitoring report (submission by 31 March 2020).

3. E3 Emissions to surface water

'Surface water samples are taken from three locations, SW2, P2 and P4. Water flows in a northerly direction alongside the outside perimeter fence of the western boundary of the site and accumulates in a pond at SW2 before slowly seeping through a man-made underground bypass drain which runs along the outside of the site towards the northern boundary. P2 is a pond to the west, which collects surface water run-off from the landfill. P4 is in a field to the north west of the site, beyond landfill gas monitoring borehole BH10.'

Q3 2019 P2 was not sampled during this period (only when likelihood of an overflow) and none from SW2. Ammoniacal nitrogen concentrations at P4 in July and August were 1.4 mg/l and 0.6 mg/l with an average chloride concentration of 33.2 mg/l (no limits specified).

Q4 2019 No samples were taken from P2 or SW2. Ammoniacal nitrogen concentrations at P4 sampled 3 times ranged from 4.5 mg/l to 6.3 mg/l with the chloride concentrations averaging 31.1 mg/l (no limits specified).

4. Deposited dust monitoring data to be reviewed as part of the annual report 2019.

NB: Q1/Q2 was provided for a 30 day period 3 June to 3 July 2019 at the 3 nominated locations with results for OES1 – 3 of 19.76, <4.12 and 4.12 mg/m²/day respectively versus a 200 mg/m²/day limit. These need to be reported quarterly.

5. B1 Engineering for prevention and control of emissions – Leachate limits

'As discussed with NRW, 'pumped' leachate levels, are recorded after pumps are switched off for up to 4 hours before a dip is obtained. During this quarter, 'rest' levels of leachate were recorded, which reflect the head of leachate after 48 hours of recovery (which has been demonstrated to be sufficient amount of time to reach rest, in accordance with report number 3448-VAU-XX-XX-RP-V-9107.A0-C11). The rest leachate levels are reported in relation to the

compliance limits in Table 2'

There have been significant improvements in leachate levels across the site (additional extraction of leachate from gas wells) with exceedances starting to approach the limits in many cases.

Permit condition 2.7.1 Leachate level limits: Non - compliances for Q3 and Q4 both attract a CCS3 for leachate levels.

Q3 2019 Leachate limit breaches (6 cells): 1, 4, 5 & 6 of 1.2, 0.6, 2.2 and 1.7 m over 2/3 m limits, and

Q4 2019 Leachate limit breaches (6 cells): 1, 2, 4, 5 & 6 of 1.3, 0.4, 1.3, 3.2 and 1.8 m over 2/3 m limits.

Action 2: Provide a 2019 annual monitoring report that details all trial work including a review of your findings, recommendations and options to further improve compliance with permitted leachate levels (submission by 31 March 2020).

EPR Compliance Assessment Report

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Operator/Permit holder	Flintshire County Council	Date	23/12/2019

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			
B1	C3	Refer Details	31/03/2020
B1	C3	Refer Details	31/03/2020
E2	C3	Refer Details	31/03/2020
E2	C3	Refer Details	31/03/2020

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.