Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0032352

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	04/10/2017	Time in	09:24	Out	09:44
Assessment type	Site Inspection				
Parts of the permit assessed	All Below				
Lead officer's name	Ellis, Rhys				
Accompanied by	Sowerby, Andrew R.				
Recipient's name/position	Harvey Mitchell, Paul Murphy/ Site Manager, Streetscene Manager	Date issued	27/10/2017		

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
D1 - Incident Management - Site security	C3	1.1.1
E2 - Emissions - Land and groundwater	C3	3.1.1
F1 - Amenity - Odour	X	
F4 - Amenity - Pests/birds and scavengers	X	

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

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

Regulatory officers Rhys Ellis and Andrew Sowerby visited the site in relation to odour complaints in the Pinfold Lane area that Natural Resources Wales received.

Brookhill Landfill site and associated waste transfer pad were amongst some of the locations visited.

D1.Site security

During the visit there were no Flintshire County Council personnel on site, there was a lorry driver briefly on site during our visit and also a subcontractor tankering leachate.

It was noted that the gates for both gas engine and flare compound were open during the visit. These are 2 critical aspects of site which had inadequate security to prevent unauthorised access.

The current security status of the site demonstrates that the Environment management system (EMS) and associated measures on site are inadequate to avoid and minimise the risk of unauthorised access to key equipment on site (i.e to prevent vandalism and manipulation of equipment that could result in an unauthorised emission). As a result condition 1.1.1 of your permit is breached and a CCS score of 3 is applied.

Natural Resources Wales were subsequently advised that the site is considering installing combination locks on the gas engine and flare compound.

You must take a risk-based approach to decide the level of security needed on site to prevent unauthorised access. What is appropriate will depend upon the environmental risks posed by the activity itself and the location. You need to be clear about the level of security needed at your site and make a written assessment of your control measures in your management system.

Please can you confirm actions taken to improve site security and update your EMS accordingly and submit your revised procedure no later than 27th November 2017.

Site drainage.

E2- Emission to ground.

It was noted during the inspection that there was evidence that contaminated runoff from the lower waste transfer pad had overflown to surrounding ground (as per photograph 4 and 5 below).

Condition 3.1.1 stipulates that there should be no point source emissions to land except from the sources and emissions listed in schedule 3 tables S3.2 and S3.3.

As a result of unauthorised discharge of contaminated water to ground a CCS score of 3 has been applied.

During a subsequent conversation on the 4th October 2017 Natural Resources Wales were advised that the site plan to install an automatic flow pump at the lower transfer pad which would pump contaminated water into the leachate plant. Please can the site update Natural Resources Wales on progress in relation to this matter no later than 27th November 2017. It would also be advisable for the Environment management system to be updated to reflect this and to include details of routine checks and maintenance on the pump including contingency measures in the event of the pump failing and adverse weather (i.e heavy rainfall) etc.

Natural Resources Wales have also been advised that improvements are planned for containment of contaminated water at another location above the canteen (See photograph 6 below) .
Please can the site provide an update to Natural Resources Wales on this matter by no later than 27th November 2017

F1-Amenity – Odour.
F4 – Amenity – Pests,birds and scavengers

An odour was detected on site, mainly deriving from the waste food storage skips and the effluent seeping from the skips which could cause annoyance off site if the situation was to worsen.

It was noted during the visit that the some of the skips did not have the sheeting over them in order to try and minimise odour (Photograph 7) Please ensure that all food waste skips on site are covered at all times and that all appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.

Sheeting also helps to prevent attracting birds and minimise the presence of pests on the site. It was noted during the visit that a couple of seagulls were taking an interest in the food waste.

You should also ensure that any leaks and spillages are prevented wherever possible and any spillages contained and dealt with appropriately



Photograph 1: Gates open for the gas engine compound.



Photograph 2: Gates open for the flare compound.



Photograph 3. Storage of road sweepings and ponding of contaminated water at the lower waste transfer pad.



Photograph 4. Contaminated water from the lower transfer pad ponding and evidence of previous emission to ground



Photograph 5. Evidence of previous emission of contaminated water from the lower transfer station to ground



Photograph 6. Pathway for contaminated water to enter ground above canteen on site. Previously raised with operator.



Photograph 7. Food waste stored in skips not covered by sheeting



Photograph 8. Ponding of effluent from the food waste storage.

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Operator/Permit holder	Flintshire County Council	Date	04/10/2017

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			
F4	X	food waste containers/skips should be covered at all times and that all appropriate measures are taken to eliminate odours on site.	05/10/2017
F1	X	food waste containers/skips should be covered at all times and that all appropriate measures are taken to eliminate odours on site.	05/10/2017
E2	C3	stop discharge to ground and implement improvement to contaminated water containment .	27/11/2017
D1	C3	Site to confirm actions taken to improve site security and update the EMS accordingly	27/11/2017

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.