

Compliance Assessment Report

Report ID:
CAR_NRW0032904

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	31/12/2017	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	All Below				
Lead officer's name	Ellis, Rhys				
Accompanied by					
Recipient's name/position	Harvey Mitchell, Paul Murphy/ Site Manager, Streetscene Manager	Date issued	05/12/2018		

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	C2	2.7.1
C1 - General Management - Staff competency/training	C2	1.1.1
E2 - Emissions - Land and groundwater	C3	3.1.4
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4	3.5.1

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	4	Total compliance score (see section 5 for scoring scheme)	66.1
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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

Thank you for submitting your 2017 Annual report and Monitoring results October - December 2017.

The following has been noted.

B1- Engineering for prevention and control of emissions.- Leachate limits

Your report concluded that leachate levels in Cell 1 exceeded the compliance limits in both R1B and LC1B throughout the review period, with little variation in level.

Cell 2 also recorded exceedance of the leachate compliance limit at R2B on all monitoring occasions. LC2B remained within the compliance limits over the review period.

R3 remained below the compliance limits for cell 3 throughout the review period.

Cell 4 levels were slightly above compliance limits in both leachate wells

Cell 6 recorded an exceedance in LC6B throughout the review period, but non were reported for R6B

Due to the continual breaches of leachate levels limits which have now been ongoing for a considerable amount of time, increasing the risk of significant foreseeable pollution a **CCS Score of 2** is applied under condition 2.7.1. This is supported by the results of your groundwater monitoring results, which consistently breach agreed permit limits for several parameters.

These breaches of permit indicate that the operator is failing to remove leachate appropriately. The resting level results have also raised concerns as to whether the true leachate levels are significantly higher than reported.

However in the interim this score will be suspended and will be revaluated depending on the increased pumping trail that the site are proposing under an agreed action plan.

C1- General Management- Staff competency/training.

A **CCS score of 2** has been applied under condition 1.1.1 which stipulates that the operator should manage and operate the activities in accordance with a written management system and using sufficient competent persons and resources. Relevant personnel are unaware of the relevant sections of the Environment Management System (i.e leachate management plan) and relevant permit conditions which reference LFTGN02 guidance.

When undertaking leachate levels measurements the operator is not complying with the minimal standards highlighted in your Leachate Management Plan which forms an integral part of the operational techniques for the site to effectively manage emissions from the site and prevent an impact on the surrounding environment from leachate. (Paragraph 3.1.5 stipulates the pumps are switched off and removed from the respective wells 24 hrs prior to obtaining dips to ensure that a representative reading is obtained). As stated earlier its out understanding that the operator switch off the pumps on the morning of monitoring.

As a result of not allowing sufficient resting time for leachate level monitoring, the data has not been collected in accordance with the leachate management plan, and based on the recent cessation test results, it appears likely that resting leachate levels are likely to be significantly higher than those which have been reported and true extent of leachate levels reported to Natural Resources Wales might be significantly higher than those which have been reported

LFTGN02 which is referenced in the permit stipulates that routine groundwater or leachate level measurements from monitoring points should record the rest water level. If pumping is being carried out from either the monitoring point to

be measured or an adjacent monitoring point, this could produce misleading results.

Please also note that there is a section within the guidance which stipulates that pumped monitoring points in which the recovery time is greater than 24 hours should not normally be used for routine water level measurements. It appears that majority of the wells were still recharging even after 48hrs which raises concerns on the suitability of these wells for monitoring.

This score is also suspended and will be re valuated once the operator has provided results on the increased pumping trial.

E2 emissions to land and groundwater

Exceedances of the permit limit for ammoniacal nitrogen (1.7 mg/L) were observed in GW2A, GW3A and GW4 during the review period. Maximum concentrations of ammoniacal nitrogen in GW2A, GW3A and GW4 were 49.8MG/l, 84.9mg/L and 12.1 mg/L respectively.

Maximum ammonical nitrogen concentrations in the remaining locations ranged from <0.2 mg/L in GW6 to 13.6 mg/L in GW8.

Exceedances of the permit limit for chloride (60 mg/L) were also observed in GW2A, GW3A and GW4 during the review period. Maximum chloride concentrations were 162mg/L and 138mg/L respectively.

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

E3- Emissions to water

Your quarterly reports states that no samples were collected from P2 as it has been previously agreed that this is only sampled when there is the likelihood of an overflow to the discharge point .

No samples were collected from SW2 during this review period .

It has been mentioned that ammoniacal nitrogen concentrations at P4 varied throughout the review period, ranging from <0.2 mg/L in November to 16mg/L in December.

ACTION 1- The ammoniacal results for P4 are concerning (especially where results of 16mg/L were observed in December). Are there any explanations for this ? Is the operator able to provide supporting information that the cause of this high ammonia results are not from the permitted site?

Please provide a response no later than 29th June 2018.

G1 - Monitoring of emissions and groundwater.

A **CCS breach of 4** has been applied as the operator has breached permit condition 3.5.1 for failing to submit an annual suite analysis of the leachate as per table S3.8 of the permit. The report concludes that no annual suite that caulkert are aware of was undertaken.

In a subsequent site visit in May 2018 it was explained that these analysis have been undertaken. Please can the site forward results and associated interpretation no later than 29th June 2018.

ACTION 2- Site must ensure that annual suite analysis of the leachate is undertaken to satisfy permit condition 3.5.1.

EPR Compliance Assessment Report

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Operator/Permit holder	Flintshire County Council	Date	31/12/2017

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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	C2	see text in CAR form	01/04/2018
C1	C2	See text in CAR Form.	01/04/2018
E2	C3	Operators HRA will discuss this further. Site to provide updates on progress in relation to this.	29/06/2018
G1	C4	See actions in CAR form	29/06/2018

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.