

## Compliance Assessment Report

Report ID:  
CAR\_NRW0033543

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	30/03/2018	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/ Street Scene / Site 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
E2 - Emissions - Land and groundwater	C3	3.1.4
E3 - Emissions - Surface water	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)	35
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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 Quarterly Monitoring review January - March 2018.  
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 in the first two months. The levels recorded in March are higher reflecting greater period of no pumping than the previous readings. The reports stipulate that the cessation tests are under review.

Cell 2 also recorded exceedance of the leachate compliance limit at R2B on all monitoring occasions. LC2B remained within the compliance limits in January and February but rebounded to approximately 1m above it during the monitoring in March.

The leachate levels in R3 in January and February were below the limits stipulated in the permit (2 m above cell base) and rebounded to slightly above it in March. It is noted that R3 remained below the previously-agreed limit of 5.5m above the cell base throughout the review period.

Cell 4 levels were slightly above compliance limits in both leachate wells in January and February and increased to approximately 1.5m above this limit in March

Leachate level in R5 was reported as marginally above the compliance limit for Cell 5 in January and February. In March, it was noted that the dip tape could not reach to below 29.5 depth at this location (but there was no leachate at this level). You stipulate that the condition of this well is currently under review.

#### **ACTION 1.** Please provide the outcome of this review.

Cell 6 recorded an exceedance in LC6B throughout the review period, but none were reported for R6B for January and February. Exceedances were reported for both wells in March, when levels were recorded 8h after pump switch off.

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.

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 is undertaking.

You have also stated that the method of recording and reporting leachate levels for the site is currently under review, following cessation test carried out in March 2018. Future planned works will also evaluate the condition of the infrastructure at the site in relation to its suitability for monitoring and extraction purposes, the results of the cessation test carried out in March and their implications for the management of the site will be forwarded to NRW as soon as practicable.

### E2 emissions to land and groundwater

Exceedances of the permit limit for ammoniacal nitrogen (1.7 mg/L) were observed in GW2A, GW3A during the review period. Maximum concentrations of ammoniacal nitrogen in GW2A, GW3A were 8.5 mg/l, and 12.4 mg/L respectively (both recorded in January) significantly lower than those reported in the previous quarter.

Concentrations of ammoniacal nitrogen in GW4 remained below the compliance limit and near the limit of detection (0.2 mg/l) throughout the review period.

You advised that these trends and their relationship to chloride and potassium concentrations will be analysed in detail as part of the update of the Hydrological Risk Assessment for Brookhill Landfill.

Maximum ammoniacal nitrogen concentrations in the remaining locations ranged from <0.2 mg/L in GW1 and GW6 to 20.2 mg/L in GW8.

Exceedances of the permit limit for chloride (60 mg/L) were also observed in GW2A, GW3A during the review period. Maximum chloride concentrations were also lower than during the previous quarter, with 132 mg/L and 157 mg/L respectively in Q1 of 2018. You stipulate that at GW4 chloride concentrations remained below the compliance limit. It is noted that the concentrations of chloride at this location appear lower than would be expected for the natural strata around site (for example in comparison to those reported for GW5A, GW1 and GW6 for the same period) and are currently under review.

In addition to exceedances of the compliance limits for ammoniacal nitrogen and chloride detected at GW2A and GW3A , your quarterly analysis shows that Nickel concentration at GW2A was in exceedance of the compliance limit and has increased slightly during the first quarter of 2018. The operator should monitor this trend closely.  
Due to the breach of permit limit in regard 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.

A single sample was collected from SW2 during this review period.

Ammoniacal nitrogen concentrations at P4 ranged from 11.5mg/L in February to 14mg/L in January. Previous comments have been raised regarding ammoniacal nitrogen concentrations at P4

**ACTION 2-** As requested in previous CAR form the ammoniacal results for P4 are concerning. Site are to confirm if there are any explanations for this? Is the operator able to provide supporting information that the cause of this high ammonia results is not from the permitted site?

This action has already been requested in the previous CAR form and has a due response of 29th June 2018.

## EPR Compliance Assessment Report

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Operator/Permit holder	Flintshire County Council	Date	30/03/2018

### 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			
E3	X	See text in CAR Form	30/06/2018
E2	C3	Operators HRA will discuss this further- Site to provide updates on progress in relation to this	30/06/2018
B1	C2	See text in CAR form	30/06/2018

## 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](mailto: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.