

Compliance Assessment Report CAR_NRW0037871

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 carried out: Report/Data Review, Reason: Routine.

On 26/02/2021.

Parts of permit assessed: Various

NRW Lead Officer: Rebecca Harwood.

Report sent to: Ruth Cartwright / Paul Murphy, Regulatory Services Manager / FCC Landfill Manager on 06/01/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4 No impact	Condition 3.5.1(a) and Table S3.8
C2 - General Management - Management system and operating procedures	Action only (X)	
B1 - Infrastructure - Engineering for prevention and control of emissions	C4 No impact	Condition 3.5.1(d) and Table S3.6
H2 - Resource Efficiency - Energy efficiency	C4 No impact	Condition 4.2.2(b) and Table S4.3
E4 - Emissions - Sewer	Action only (X)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Action only (X)	
A1 - Specified by permit	Action only (X)	

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

Total number of non-compliances recorded	Total non-compliance score
3	0.3

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
G1	Action 1: Undertake dips to base of leachate wells in accordance with Table S3.8.	30/06/2021
C2	Action 2: Ensure there is consistency between the numbering	30/04/2021

Criteria	Action needed	Complete by
	of leachate wells in the report and those on the map.	
B1	Action 3: Review and remediate as necessary seals at all gas and leachate wells.	31/05/2021
H2	Action 4: Send energy consumption data for 2020.	30/04/2021
E4	Action 5: Confirm whether leachate figure includes imported leachate.	30/04/2021
G1	Action 6: Check combustion figures for 2020 and report back to NRW.	30/04/2021
A1	Action 7: Ensure any assessments are included in future reports including how the levels link to the planned settlement of the site.	31/12/2021

Action 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

Review of Brookhill Landfill Annual Monitoring Report 2020

The Brookhill Landfill Annual Monitoring Review 2020 was submitted to NRW on 26 February 2021 as part of Condition 4.2.3 requiring a report or reports on the performance of the activities over the previous year to be submitted to Natural Resources Wales by 31 January. An extension was agreed requiring the report to be submitted by 28 February 2021.

Leachate

Annual leachate sampling was undertaken during December 2020 in accordance with Condition 3.5.1(a) and Table S3.8.

The base of the leachate wells should also be monitored annually, and it appears that this has not been completed. This information would assist in identifying any silt build up at the bottom of the wells and potentially allow pumps to be lowered in order to help achieve compliance across the site. **This has been scored a CCS Category 4 breach of Permit.**

Action 1: Undertake dips to base of leachate wells in accordance with Table S3.8.

Advice and guidance: Check the level at which the pumps are situated within the wells to

assess whether they can be lowered in order to help achieve leachate compliance across the site.

Action 2: Ensure there is consistency between the numbering of leachate wells in reports and those on the map.

Point Source Emissions

The landfill gas engine and flare were monitored in accordance with Condition 3.5.1(b), on 15 December 2020 and results submitted in advance of the Annual Review on 5 February 2021. T

The results for oxides of nitrogen, carbon monoxide and volatile organic compounds were within the ELVs specified in Table S3.2.

Groundwater

Annual groundwater sampling was undertaken during December 2020 in accordance with Condition 3.5.1(c) and Table S3.9.

Landfill Gas

Annual trace gas analysis was undertaken in accordance with Condition 3.5.1(d) and Table S3.7 on 15 December 2020. 13 out of 29 trace gases were detected, this is a reduction on the trace gases detected compared to 2019.

A Flame Ionisation Detector (FID) walkover survey of the landfill was carried out on 11th August 2020 in accordance with Condition 3.5.1(d) and Table S3.6. The gas engine and flare were not operational during the survey. Over 1% methane was detected at 21 points across the site, these readings were all at leachate or gas wells rather than surface emissions, but is a significant increase compared with those detected in 2019. **This has been scored a CCS Category 4 breach of Permit, and although not an ELV breach it is above the specification level for action.**

Action 3: Review and remediate, as necessary, seals at all gas and leachate wells (see also recommendations within Caulmert report 4403-CAU-XX-XX-RP-V-0304.A0-C1).

Annual Production / Treatment

Energy consumption at the site is required to be reported by Condition 4.2.2(b) and Table S4.3. This data is missing from the report and has not yet been supplied. **This has been scored a CCS Category 4 breach of Permit.**

Action 4: Send energy consumption data for 2020 by 30 April 2021.

Annual production/treatment, as required by Condition 4.2.3(c) and Table S4.2, has been provided. 20,636m³ of leachate was disposed of through the onsite effluent treatment plant. This is a slight decrease compared with 2019.

Action 5: Confirm whether leachate figure includes imported leachate by 30 April 2021.

Combustion figures show 135,500 and 2,084,500 normalised m³/year were combusted

through the flare and gas engine respectively. These are exactly the same figures as reported for 2019 in an email dated 15 May 2020.

Action 6: Check combustion figures for 2020 and report back to NRW by 30 April 2021.

Topographical Survey

The topographical survey was undertaken on 19 December 2020 in accordance with Condition 4.2.3 (d - g). The settlement between the 2019 survey and 2020 survey is approximately 3,070m³. As the site has been filled a calculation of remaining capacity has not been provided. An assessment of the settlement behaviour of the landfill body has not been provided and should be included in future reports.

Action 7: Ensure any assessments are included in future reports including how the levels link to the planned settlement of the site.

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.

What are suspended scores?

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 and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance 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 20 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 – 18:00), or email 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

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.