

## Monitoring frequencies and non-compliance recording

### Scope

This briefing note covers 'spot sampling', and describes our compliance approach to CCS scoring for additional spot sampling and continuous monitoring. Please see the associated note that covers, "Continuous monitoring and reporting for compliance"

### Background

Our permits require an operator to undertake routine monitoring in and around their site to confirm that operational procedures are effective to prevent pollution. Where monitoring results suggest that a permit limit is exceeded, an operator must notify us and implement a contingency plan in accordance with their submitted permit management procedures.

Operators may choose to undertake more monitoring than is required by their permit, even when no exceedance of a permit limit has occurred or is likely to occur. This will result in more data than is required by the permit. We recognise that an operator may be put off undertaking any additional monitoring above the requirements of the permit if we are going to either penalise them with large numbers of non-compliance scores in the event of a non-compliance being detected or if there is no clear benefit in completing the additional monitoring.

### Our Position

We welcome landfill site operators carrying out monitoring, including continuous monitoring, in excess of that required by the permit. Concern has been raised that we may require the operator to send us a Schedule 6 notification for all breaches of a permit limit which may result in a CCS score being given for every breach or potential breach of a limit.

- The monitoring requirements in the permit are minimum standards.
- Operators must comply with emission limits set out in the permit at all times.
- We may assess compliance against any monitoring result.

### ***Additional monitoring where there is an exceedance of a permit limit***

If a permit limit is exceeded, an operator must confirm the breach and send us a schedule 6 notification. This will include the measures to be taken to remediate the breach (a 'contingency action plan') as required by a schedule 6 notification, parts A(b) and B. This plan will detail the actions needed to remediate the exceedance of the specific limit and may be supplemented by an incident specific monitoring programme, where additional data is obtained to further quantify the nature of the exceedance.

In the event of an ongoing, notified, breach of a permit limit we may agree with the operator that an additional Schedule 6 notice is not required every time a breach occurs. We must however, agree a local, site specific plan of monitoring and action, covering frequency, location and methodology of monitoring and data reporting over a specified time. For the purposes of CCS scores contributing to OPRA scores and subsistence charges the local inspector will assess these in accordance with this note and apply consolidation and suspension of scores as appropriate.

*For example:*

The leachate levels in the landfill are above the permitted levels and it will take several months to lower the level. Monitoring of the levels is now being carried out daily. With agreement with the inspector the operator will not have to submit a schedule 6 notice every time the monitoring is carried out, provided there is a plan in place to reduce the levels and provided the situation does not deteriorate.

**Additional monitoring where there is no exceedence of a Permit Limit**

As part of an operational control strategy or to simply better quantify the performance of a system, an Operator may wish to undertake monitoring in addition to the stated minimum frequencies in the permit. To promote clear communication, the Operator should provide a time limited "Pro-active Monitoring Plan" setting out details of the additional data collection and management programme.

*For example:*

Leachate levels on the site are giving the operator cause for concern and he has instigated a monitoring regime to collect more data in order to pro-actively investigate these over time (this may never result in a permit breach). Data required to be submitted to us and the form it is required is agreed with the inspector, dependant on local site specific circumstances. If during monitoring under a Pro-active Monitoring Plan, a breach or breaches of a compliance limit is identified, the operator must notify us of the incident in accordance with the permit requirements (as outlined above). We will assign a CCS score to the incident, but will suspend the score in the CCS database as summarised below.

**Can we 'consolidate' and 'suspend' CCS scores?**

We can 'consolidate' scores for permit non-compliances, especially for monitoring breaches. We can group a number of permit breaches for the same issue and consolidate these into a single CCS score. For example, if an operator has recorded three instances in a month of a methane limit breach we may score this as a single record of a methane exceedence (see OI 526\_06).

**Where there is an agreed plan of additional monitoring<sup>1</sup>, including continuous monitoring and/ or a pro-active monitoring plan:**

We will complete a CAR form and send it to the operator at the appropriate frequency<sup>2</sup>, noting all the breaches and considering the potential for consolidation detailed above.

We will also 'suspend' the CCS score from counting towards charges. This means that we will record it on the CCS database and place an 'X' in the box marked "Notice already served for this non-compliance/ minor non-compliance - score suspended". This will suspend the score from being included in the compliance rating and so it won't affect overall Opra score or impact on the following year's subsistence charge.

**Where there is NO contingency action plan in place:**

We will consider action under the permit if a schedule 6 notification should have been, but was not provided. We will invite the operator to investigate the root cause and report on why the breach occurred.

We will complete and send to the operator a CAR form at the appropriate frequency<sup>2</sup>, noting all the breaches, (including the root cause if appropriate) bearing in mind the potential for consolidation detailed above, i.e. we would normally score only once for breaches recorded on that parameter in the consolidation period.

We will record the breach(es) on the CCS database. CCS scores will **NOT** be suspended. This means the scores will impact on overall compliance rating, it will affect overall Opra score and may impact on the following year's subsistence fee. We will work with the operator to ensure that a monitoring and action plan is put in place and then apply the suspension of CCS scores as above.

**Conclusion**

This approach means that in most circumstances, any additional breaches identified by monitoring undertaken at a frequency above the permit requirements will not contribute to an increase in Opra scores and charges.

**Sources of information**

Follow the link to Operational Instruction [525\\_06 Reporting compliance assessment activities regulated under ...](#) in particular regarding 'consolidation over time of data/monitoring returns and 'suspending CCS scores'.

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<sup>1</sup> 'additional monitoring' means any monitoring above the frequency specified by the permit

<sup>2</sup> The 'appropriate' frequency is the reporting period specified in the permit for the provision by the operator of the data i.e. monthly, quarterly etc.