

## Compliance Assessment Report CAR\_NRW0039829

**Permit being assessed:** BU7766IC.

For: Bryn Posteg Landfill , held by Sundorne Products (Llanidloes) Ltd

At: Bryn Posteg Landfill Site Tylwch Road , Llanidloes, Powys, SY18 6JJ.

**Type of assessment carried out:** Site Inspection, Reason: Routine.

On 12/04/2022 between 12:40 and 16:00.

Parts of permit assessed: Site inspection

**NRW Lead Officer:** Jamie Blythin, accompanied by Paul Challender.

**Report sent to:** Deborah Hall, Environment, Health and Safety Compliance Manager on 28/04/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.7.2
F1 - Amenity - Odour	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
C2 - General Management - Management system and operating procedures	Action only (X)	
E4 - Emissions - Sewer	Action only (X)	
C2 - General Management - Management system and operating procedures	Action only (X)	
C1 - General Management - Staff competency/training	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
1	4

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
A1	Action 1: No more off-specification compost should be brought onto the cap and off-specification compost should not be used in restoration of the landfill until the operator receives written approval from NRW.	28/04/2022
C2	Action 2: Action only- In writing, confirm the new process for sludge disposal from the leachate treatment activity.	27/05/2022
E4	Action 3: Action only- Provide NRW with copies of completed waste transfer notes for leachate removed from Bryn Posteg	27/05/2022

Criteria	Action needed	Complete by
	03.03.22- 12.04.22.	
C2	Action 4: Action only- Provide NRW with a copy of the SWIP manufacturer's fuel specifications. This should include but not be limited to: admissible fuel type, moisture content, maximum ash content, fuel density (bulk state) and fuel size.	27/05/2022
C1	Action 5: Action only- Use the site diary to record TCM attendance and hours on site.	28/04/2022

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.**

**We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.**

### 4. Details of our assessment

This was an unannounced, routine site inspection. Officers met the new Site Manager who accompanied them around the site.

The operator was in the process of constructing an access road, leading to the active cell. This is in preparation for when waste tipping recommences at the landfill. The operator stated in a meeting (21.04.22), that they expect waste tipping to begin 03.05.22.

As noted in CAR\_NRW0039582, a significant amount of off-specification compost from the composting permit (CB3834RQ) has been deposited on top of the landfill cap (BU7766IC). NRW considers this a breach of permit condition 2.7.2 as off-specification compost is not yet permitted to be stored on the cap or used in restoration of the landfill as it is still subject to approval by NRW via a pre-operational condition of the permit (A1-CCS3).

Action 1: No more off-specification compost should be brought onto the cap and off-specification compost should not be used in restoration of the landfill until the operator receives written approval from NRW.

Action 5 in CAR\_NRW0039582 asked the operator

'In writing, provide NRW with the exact quantity of off-specification compost that has been brought onto the cap since 01.01.22.' (complete by 20.04.22). We are still awaiting a response to this action.

Officers observed that the deposits of off-specification compost and PAS 100 compost situated on top of the cap had been profiled since the last site inspection (03.03.22). Off-specification compost had been deposited on top of the PAS 100 compost stockpiles and drainage channels had been created around the stockpiles to capture runoff.

Action 6 in CAR\_NRW0039582 asked the operator to

'Provide NRW with an updated version (version 3) of 'Restoration soil upper profile-Bryn Posteg landfill, pre-production declaration of compliance BS3882:2015' which addresses the comments sent 07.01.22 for review.'

On 14.04.22, the operator sent NRW the following document 'Addendum to Waste Recovery Plan, Restoration Soil Upper Profile- Bryn Posteg Landfill, Pre-production Declaration of Compliance BS3882:2015 Version 3 April 2022.' We will now review this document and confirm our assessment in a separate CAR.

During a previous site inspection (gas audit carried out 12.10.21-13.10.21 CAR\_NRW0038838), officers observed that sludge from the leachate treatment plant had been deposited on an uncapped area of the site (Cell 9), adjacent to the geomembrane, in the area surrounding GW331.

During this inspection (12.04.22), there was no evidence of sludge from the leachate treatment plant in this area. The Site Manager confirmed this activity had ceased and that they had no intention of depositing sludge here again.

Action 2: Action only- In writing, confirm the new process for sludge disposal from the leachate treatment activity.

In the future, if the operator wishes to deposit sludge from the leachate treatment plant into the landfill then we request that the following actions are completed, and a written update provided to NRW before this activity takes place:

- GASSIM assessment needs to be re-visited to ensure there is suitable infrastructure to deal with any potential increase in landfill gas generation
- A record needs to be kept of how much sludge has been put into the landfill to inform the GASSIM assessment and this figure should be provided as part of the Annual Report
- The methodology for dewatering the sludge and depositing into the landfill needs to be provided to NRW and the Leachate Management Plan (LMP) updated

There was adequate freeboard within the leachate treatment lagoon and balancing lagoon. The Site Manager explained that they had been using a tanker to remove leachate from the balancing lagoon and were sending it offsite for treatment at a sewage treatment works.

Action 3: Action only- Provide NRW with copies of completed waste transfer notes for leachate removed from Bryn Posteg 03.03.22- 12.04.22.

The Small Waste Incineration Plant (SWIP) was not operational at the time of the inspection. The operator confirmed in a meeting (21.04.22) that the SWIP was due to undergo a full programme of maintenance and would then be placed on a monthly maintenance schedule, managed by a specialist contractor.

Action 1 in CAR\_NRW0039582 asked the operator to 'Provide NRW with an update in writing detailing the maintenance completed on the SWIP 01.12.21-21.03.22.' We are still

awaiting a response to this action.

Fuel for the SWIP was stored inside the walking floor bunker. Overall, the quality of the fuel was good, there were very small amounts of contamination identified e.g. wrapping, chipboard.

The Site Manger explained that they were planning to import a new fuel type for the SWIP in the near future.

Action 4: Action only- Provide NRW with a copy of the SWIP manufacturer's fuel specifications. This should include but not be limited to: admissible fuel type, moisture content, maximum ash content, fuel density (bulk state) and fuel size.

Officers looked at the site diary and recognise that the operator is using this effectively. However, there was no record of the Technically Competent Manager (TCM) attendance on site.

Action 5: Action only- Use the site diary to record TCM attendance and hours on 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](mailto: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](mailto: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.