

Compliance Assessment Report CAR_NRW0039891

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 03/05/2022 between 12:40 and 14:30.

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 13/05/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Ongoing (O)	2.7.2
C3 - General Management - Materials acceptance	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
D1 - Incident Management - Site security	C3 Minor	1.1.1

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.	13/05/2022
D1	Action 2: Repair the boundary fence to ensure there is no unauthorised access to the site. Provide NRW with evidence (photographs) that this has been completed by the specified date.	13/06/2022

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.

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

This was an unannounced, routine site inspection. Officers were accompanied by the Site Manager during the visit.

The operator recommenced waste acceptance into the landfill on the date of the inspection (03.05.22), after a period of inactivity. Officers witnessed waste tipping activities and reviewed a selection of completed waste transfer notes for waste tipped earlier that day. Wastes included EWC 19.12.12 - mechanically treated wastes and 20.03.01- mixed municipal waste.

Photographs of daily cover placed over the waste were sent to NRW following the inspection.

Officers observed that a significant amount of off-specification compost from the composting permit (CB3834RQ) remains deposited on top of the landfill cap (as discussed in the previous inspection report CAR_NRW0039829). 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

This is regarded as an ongoing issue and has not been scored on this occasion (A1-O).

NRW will review 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' and confirm our assessment in a separate CAR.

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.

There was construction activity near the site entrance. The operator explained that they were installing a new drain.

The Small Waste Incineration Plant (SWIP) was not operational at the time of the inspection. Officers witnessed a vehicle tipping fuel for the SWIP into the walking floor

bunker. Overall, the quality of the fuel was acceptable but small amounts of contamination were identified e.g. wrapping, plastics.

Leachate levels in the treatment lagoon and balancing lagoon were low with adequate freeboard maintained.

Officers observed several large holes in the south west boundary fence. During the inspection, cattle from the adjacent field came onto site through these holes. Officers also observed hoof prints on the path (western area of the site). The presence of cattle on site is a potential environmental risk to surface water (excrement) and gas management (damage to gas infrastructure). The holes also present a means of unauthorised access to members of the public. NRW considers this a breach of permit condition 1.1.1 (D1-CCS3).

Action 2: Repair the site boundary fence to ensure there is no unauthorised access to the site. Provide NRW with evidence (photographs) that this has been completed by the specified date.

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.