

Compliance Assessment Report CAR_NRW0040265

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 03/08/2022 between 12:39 and 15:05.

Parts of permit assessed: Site inspection

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

Report sent to: David Williams , Technical Manager on 17/08/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
C4 - General Management - Storage, handling labelling and Segregation	Action only (X)	
A1 - Specified by permit	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	

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
C2	<p>Action 1- Produce a written procedure for use of the bowser to dampen down site surfaces. This should specify how risk is controlled and the potential for environmental pollution reduced. Provide NRW with a copy of this procedure by the compliance deadline.</p> <p>Action 3- The deposit of leachate sludge into the landfill needs to stop immediately and should not recommence until the following bullet points have been completed and written approval given by NRW:</p>	30/09/2022

Criteria	Action needed	Complete by
	<p>GASSIM assessment needs to be re-visited to ensure there is suitable infrastructure to deal with any potential increase in landfill gas generation</p> <p>The methodology for dewatering the sludge and depositing into the landfill needs to be provided to NRW and the Leachate Management Plan (LMP) updated.</p>	
C4	Action 2- Action only- move tyres (stored adjacent to SE edge of active cell) to a suitable storage location.	31/08/2022

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

Immediately before arriving at site, officers completed an offsite odour assessment around the perimeter of the site. Officers identified a slight waste odour along the north east boundary (area where road dips). This odour was localised, transient and not considered significant. No landfill gas or waste odours could be detected at other locations along the site perimeter. It should be noted that officers identified an agricultural / manure odour in the air and witnessed tractors working in the fields adjacent to the site.

This was a pre-arranged, routine inspection. Officers were accompanied by the Technical Manager during this inspection.

On arriving at the site entrance, officers witnessed a tractor with a bowser attached begin to spray what looked like leachate (brown/ dark coloured liquid) all over the yard. It continued to spray this liquid until it reached the access road leading up to the composting pad.

Officers inspected the liquid and found it to be odourless, dark and appeared to contain high levels of suspended solids. This liquid was flowing towards the drains near the site entrance and therefore presented the potential risk of pollution.

The Technical Manager stated that the bowser was using water from the surface water

lagoons to dampen down the site surfaces to reduce the potential of dust during the hot weather. The bowser had been used to transfer sludge from the leachate treatment facility to the landfill earlier that day. The bowser had not been cleaned out before collecting water from the surface water lagoons to dampen down the site. Residual sludge, still left in the bowser, had mixed with the water from the surface water lagoons before it was used to dampen down the site surfaces.

There is currently no written procedure in place for using the bowser to dampen down site surfaces to reduce dust potential (including cleaning out the tank). Therefore, the potential risk of pollution remains. NRW considers this a breach of permit condition 1.1.1 (C2- Management systems and operating procedures - CCS3) (complete by 30.09.22)

Action 1- Produce a written procedure for use of the bowser to dampen down site surfaces. This should specify how risk is controlled and the potential for environmental pollution reduced. Provide NRW with a copy of this procedure by the compliance deadline.

The liquid was cleaned up around the drains while officers were on site.

Officers inspected duty of care paperwork for waste tipped earlier in the day. The descriptions and European Waste Codes (EWC) were consistent with those specified by the permit.

Officers inspected waste which had been tipped in the active cell. Visually, this waste looked consistent with the wastes specified in the permit.

There were no vehicles tipping waste while officers were on site.

Officers observed a bale of tyres adjacent to the SE edge of the active cell. These had not been deposited in the cell but officers explained to the Technical Manager that the tyres needed to be moved to a more suitable storage location to avoid the risk of accidentally being covered with waste. Tyres are not permitted to be deposited in the landfill.

Action 2- Action only- move tyres (stored adjacent to SE edge of active cell) to a suitable storage location (complete by 31.08.22)

Leachate sludge from the leachate treatment facility has been deposited on top of waste in the active cell. During a previous site inspection (12.04.22), the operator confirmed that they had stopped depositing leachate sludge in the landfill and they had no intention of recommencing this activity. In CAR_NRW0039829 (sent 28.04.22) NRW stated that, in the future, if the operator wishes to deposit sludge from the leachate treatment facility 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
- The methodology for dewatering the sludge and depositing into the landfill needs to be provided to NRW and the Leachate Management Plan (LMP) updated.

- 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

These actions have not yet been completed. NRW considers this to be a breach of permit condition 1.1.1 (C2- Management systems and operating procedures - CCS3 - consolidated with previous 1.1.1. C2 CCS3 score given earlier in the report.

Action 3- The deposit of leachate sludge into the landfill needs to stop immediately and should not recommence until the following bullet points have been completed and written approval given by NRW:

- GASSIM assessment needs to be re-visited to ensure there is suitable infrastructure to deal with any potential increase in landfill gas generation
- The methodology for dewatering the sludge and depositing into the landfill needs to be provided to NRW and the Leachate Management Plan (LMP) updated.

(Complete by 30.09.22)

There were a number of seagulls observed flying above the active cell. The operator used rockets to scare the birds while we were on site. This caused the birds to leave site for approximately 1 hour before returning.

Off-specification compost was stored on top of the landfill cap. This was overgrown with weeds/ vegetation and the process of using this as part of the landfill restoration in line with *Addendum to Waste Recovery plan Restoration Soil Upper Profile- Bryn Posteg Landfill Pre-production Declaration of Compliance BS3882:2015 Version 3 April 2022* has not yet started.

Officers inspected fuel for the Small Waste Incineration Plant (SWIP) which was stored inside the SWIP fuel reception building. Overall, the quality of this fuel was acceptable. This fuel was dry to the touch and very small amounts of contamination e.g. plastic wrapping, were observed.

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.