

Compliance Assessment Report

Report ID:
CAR_NRW0034451

This form will report compliance with your permit as determined by an NRW officer

Site	Bryn Posteg Landfill	Permit Ref	BU77661C			
Operator/Permit holder	Sundorne Products (Ilanidloes) Ltd					
Regime	Installations					
Date of assessment	17/12/2018	Time in	11:30	Out	13:30	
Assessment type	Audit					
Parts of the permit assessed	All below					
Lead officer's name	Ellis, Rhys					
Accompanied by	Haf Paskett					
Recipient's name/position	David Williams/ Technical manager	Date issued	15/01/2019			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
A1 - Specified by permit	C3	2.1.1
B4 - Infrastructure - Containment of stored materials	C2	3.2.1
C1 - General Management - Staff competency/training	C2	1.1.1

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	3	Total compliance score (see section 5 for scoring scheme)	66
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Thank you for your time during the visit. The main purpose of the visit was to discuss the current design of the Leachate treatment lagoon which links into points highlighted in CAR Form reference NRW0034092. The content of this CAR form was summarised in an email to the operator on the 18/12/2018.

B4- Containment of stored material.

Leachate treatment lagoon engineering

Haf Paskett from our groundwater and contaminated team was present during the visit to explain in more detail some of the technical concerns raised in CAR from reference NRW0034092 and to discuss why the CQA plan for the repair of the primary leachate lagoon at Bryn Posteg (reference ARM/EL/BP/CQALP/1.00/20018) was not approved.

We walked around the leachate treatment facility including the temporary sump located below the leachate treatment lagoon. Remnants of contamination was still visible in the sump, indicating that contamination was still present (Photograph 1). It was noted that a new sludge tank has been installed near the leachate treatment lagoon. (Photograph 2).



Photograph 1



Photograph 2

The following main actions were agreed:

ACTION 1

- Based on discussions and clarification provided today the operator will be replying with proposals to Action 1 of CAR from reference NRW0034092 no later than 8th February 2019.
- A response together with action plan will be forwarded to NRW by close of play yesterday in accordance with Action 2 of Car from reference NRW0034092. This has not been received, please respond by 23rd January 2019 with an update.
- A response together with action plan will be forwarded to NRW by close of play yesterday in accordance with Action 3 of Car from reference NRW0034092. This has not been received. As discussed and agreed on site, this action should include detailed monitoring plan that details how you propose to investigate the impact caused by the recent lagoon failure and possible ongoing impact if lagoon is still leaking following temporary repairs. This was to include a plan that explains which wells/sumps/surface water discharges are to be sampled and confirmation as to how regularly these points would be sampled. As part of this Haf Paskett requested for construction details (borehole logs) of the existing wells so that we can decide whether the sampling points are appropriate. It was agreed that it would be extremely useful for the operator to include information such as plans and drawings

in help in illustrating the response.

This monitoring plan has not been received. Please submit this detailed plan no later than 30th January 2019.

Leachate Balancing lagoon.

The leachate balancing lagoon was at full capacity and lapping over the sides during the visit and there was evidence and flow marks present on the earth bank together with traces of what was suspected to be leachate on the haul road which has a direct pathway to surface water (photographs 3 to 6).



Photographs 3



Photographs 4



Photographs 5



Photographs 6

ACTION 2

We stressed on site that immediate actions should be taken by the operator to bring the leachate levels in the leachate lagoons down to manageable levels where there is sufficient freeboard (particularly as it was forecasting heavy rain later today and for the rest of the week). The operator suggested tankering the excess leachate in the treatment system away, this should be actioned immediately to prevent a catastrophic or further loss of leachate to surface water. This required immediate attention. Operator should monitor leachate levels very carefully and consider measures to prevent a similar incident from happening in future.

Condition 3.2.1 of your permit requires that emission of substances not controlled by emission limits shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emission management plan.

There was evidence of lack of appropriate measures to prevent or minimise leaks and spills on site. There were no apparent safeguards in place to prevent or minimise spillages from the lagoon and there was evidence that leachate (which is highly polluting) has been overtopping. There was no free board in either of the lagoons.

As a result of the above breach a **CCS score of 2** has been applied under condition 3.2.1

Separate correspondence where held between the operator and NRW following the visit regarding the progress of bringing leachate levels down within lagoons on site.

Outstanding Actions from CAR form Reference NRW0033657

As discussed on site there were actions raised from the audit conducted on site on the 10th July 2018 some of which link to the issues noted with containment on the leachate treatment lagoon during the visit on the 17/12/18. Some of these are now significantly overdue. It has been previously agreed that the operator was to provide a full detailed response to each individual action.

ACTION 3. Please can you respond accordingly no later than 23rd January 2019 to CAR form Ref NRW0033657.

A1 Specified activities

Contaminated oversized green waste

An apparent unauthorised deposit of oversized un screened green waste (Photograph 7) was noticed on the capping of the landfill. This could be viewed as a contravention of the suspension enforcement notice and is a breach of permit condition 2.1.1 which stipulates the operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the activities).

Storing waste on the cap of the landfill is not a permitted activity nor is its temporary storage for further processing at another location. Please also note that storing material on the cap in this manner is risking damaging the capping infrastructure on this location.

As a result a **CCS breach of 3** is noted .

ACTION 5

Please provide the following no later than 23rd January 2019. (This information has also been requested under the Composting facility permit)

- Details of what this material is
- Why was it deposited here
- The origin of this waste material
- When it was deposited here
- Quantity of this material stored at this location
- Details of plans to remove this off the capping area



Photograph 7

Emergency works

It was noted that the emergency works on phase 9D undertaken by the Operator has been significantly damaged by the weather and has been like this for a considerable amount of time (photograph 8).



Photograph 8

ACTION 6

Please provide details of actions to be taken to rectify this no later than 23rd January 2019.

Stack emission and trace gases monitoring.

Thank you for introducing me to the monitoring team on site. We look forward to receiving the results in due course. You subsequently advised that issues were detected during the monitoring of the gas engines and flare such as NOX and CO, and therefore another round of monitoring will be undertaken. As discussed in a conversation on the 10th January 2019, details of the initial monitoring should be reported to NRW for consideration. In addition to this email, it should be reported as a schedule 5 notification as there might be a breach of permit condition.

Odour.

NRW noticed an odour on the road located along the eastern side of the site before arriving on site(Suspected to be leachate origin).

A strong odour was also noticed around the Leachate treatment area whilst on site. Please can the site investigate this further.

C1- General Management – Staff competency/ training

Permit condition 1.1.1 stipulates that the operator shall manage and operate the activities in accordance with a written management system and using sufficient competent persons and resources. The permit breaches noted in this compliance assessment report form raise concerns about the awareness of permit conditions, management systems and associated procedures and plans by the directors and relevant site personnel. There appears to be a lack of understanding on aspects of the permit requirements and a failure follow relevant procedures resulting in several breaches of permit conditions which have led to pollution of environment:

- Management of leachate within leachate balancing lagoon.
- Emission of leachate to ground around the leachate treatment plant.
- Failure to notify Natural Resources Wales (lagoons capacity and the fact that they had overflowed)
- Unauthorised deposit of waste on the landfill cap
- Failure to take measures necessary to limit the environmental consequence of incidents and take measures necessary to prevent further possible incidents or accidents.

As a result a **CCS score of 2** has been applied on this occasion

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034451**

This form will report compliance with your permit as determined by an NRW officer

Site	Bryn Posteg Landfill	Permit Ref	BU7766IC
Operator/Permit holder	Sundorne Products (Ilanidloes) Ltd	Date	17/12/2018

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
B4	C2	See actions in Car form	23/01/2019
A1	C3	See actions in CAR form	23/01/2019
C1	C2	See actions in CAR form	23/01/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.