

## Compliance Assessment Report CAR\_NRW0040721

**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:** Report/Data Review, Reason: Routine.

On 20/11/2022 - 28/11/2022.

Parts of permit assessed: Monitoring Returns

**NRW Lead Officer:** Paul Challender.

**Report sent to:** Paul Wren, Site Manager on 28/11/2022.

### 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	Permit Condition 1.1.1(a).
C2 - General Management - Management system and operating procedures	C3 Minor	Permit Condition 1.1.1(a).
E3 - Emissions - Surface water	C3 Minor	Permit Condition 3.1.2.
E3 - Emissions - Surface water	C3 Minor	Permit Condition 3.1.2.
E3 - Emissions - Surface water	C3 Minor	Permit Condition 3.1.2.
E2 - Emissions - Land and groundwater	C3 Minor	Permit Condition 3.1.2.
E1 - Emissions - Air	C3 Minor	Permit Condition 3.1.2.
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	Permit Condition 4.3.1(b).
E3 - Emissions - Surface water	C3 Minor	Permit Condition 3.1.2.
E4 - Emissions - Sewer	Action only (X)	
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor	Permit Condition 3.1.2.
E2 - Emissions - Land and groundwater	C3 Minor	Permit Condition 3.1.2.
E1 - Emissions - Air	C3 Minor	Permit Condition 3.1.2.

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
12	44.1

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	Action 1: Repopulate, quality assurance check and resubmit	31/12/2022

Criteria	Action needed	Complete by
	the monitoring data for Q1. Supply any outstanding notifications for breaches occurring during this quarter. Action 2: Submit written monitoring data quality assurance checking procedure to your Natural Resources Wales regulating officers.	
C2	Action 3: Review, identify errors and omissions, quality assurance check and resubmit the report ensuring it contains the full and correct data as required by Permit Condition 4.2.2 (a), (b), (c), (d), (e), (f), (g) & (h)	31/12/2022
E3	Action 4: Supply a completed Notification form.	16/12/2022
E3	Action 5: Supply a completed Notification form.	16/12/2022
E3	Action 6: Supply a completed notification form.	16/12/2022
E2	Action 7: Provide an update regarding the proposed resolution to gaseous exceedances by the listed compliance date.	16/12/2022
E1	Action 8: Supply the conversion formula that is applied to the raw laboratory data prior to submission to NRW and a written explanation of how and why it is applied.	16/12/2022
G4	Action 9: Submit the completed notifications as stated in Actions 4, 5 & 6.	16/12/2022
E3	Action 10: Provide an update regarding the proposed resolution to suspended solids exceedances by the listed compliance date.	16/12/2022
E4	Action 11: Supply the written discharge procedure referred to in the notification by the listed action date. Consider consolidating the procedure into the leachate management plan; inform NRW of your intention to consolidate or not by the action date.	16/12/2022
B1	Action 12: Take immediate steps to lower the in-field leachate level to draw down the leachate head to within compliance limits. Investigate functionality and integrity of the leachate extraction system. Provide a weekly report of actions and level of leachate head to you regulating officers until further notice.	02/12/2022
E2	Action 13: Provide an update regarding the proposed resolution to gaseous exceedances by the listed compliance date.	16/12/2022
E1	Action 14: As per Action 8	16/12/2022

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.

**At this time, we do not intend to take any further action.**

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 Compliance Action Report has been raised to review monitoring returns submitted by the operator to Natural Resources Wales (NRW). This CAR report discusses the 2021 Annual report and the quarterly monitoring returns for Q1, Q2, & Q3.

### Q1 Monitoring Returns

The Q1 returns were submitted by the outgoing Environment, Health and Safety Compliance Manager within the timeframe required by Permit Condition 4.2.3. Upon first review, a very high reading was identified for suspended solids which, may have been due to the omission of a decimal. The background data from the accredited laboratory was requested from the operator and checked against the data as supplied in the monitoring returns.

Multiple errors were apparent upon comparison of laboratory data and submitted returns. Reported values, particularly in respect of emission points P1 & P2 do not match laboratory results. For other emission points there are occasions when results are correctly and or over reported but the date stated for sample correction is incorrect. Due to the volume of errors, the operator is asked to repopulate, quality assurance check and resubmit the monitoring data for Q1. Scores for emission limit value (elv) breaches have not been scored in this CAR form and scores will be applied upon receipt and review of the resubmitted data. This issue has attracted a score for quality assurance under your management procedures.

**Score:** (C2) Management system & operating procedures. Permit Condition 1.1.1(a). Score CCS 3.

**Action 1:** Repopulate, quality assurance check and resubmit the monitoring data for Q1. Supply any outstanding notifications for breaches occurring during this quarter.

**Action 2:** Submit written monitoring data quality assurance checking procedure to your Natural Resources Wales regulating officers.

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### 2021 Annual Report

The Annual Report was submitted by the outgoing Environment, Health and Safety Compliance Manager within the timeframe required by Permit Condition 4.2.2. Due to the issues identified above and the observation of anomalies in the submitted documents, the operator is requested to review, identify errors and omissions, quality assurance check and resubmit the report ensuring it contains the full and correct data as required by Permit Condition 4.2.2 (a), (b), (c), (d), (e), (f), (g) & (h). Scores for issues within the supplied data have not been scored in this CAR form and scores will be applied upon receipt and review of the resubmitted data, if required. This issue has again, attracted a score for quality assurance under your management procedures.

**Score:** (C2) Management system & operating procedures. Permit Condition 1.1.1(a). Score CCS 3.

**Action 3:** Review, identify errors and omissions, quality assurance check and resubmit the report ensuring it contains the full and correct data as required by Permit Condition 4.2.2 (a), (b), (c), (d), (e), (f), (g) & (h)

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### **Q2 Monitoring Returns**

The Q2 Monitoring Returns were submitted by the outgoing Technical Manager. The data submission was compared against the requested laboratory data was much improved. Although, submitted by the Technical Manager, the data was in fact populated and quality assurance checked by new staff at the facility.

#### **Breaching parameters are discussed below:**

##### **Surface water emission point P1 & P2:**

- P1 ammoniacal nitrogen breaches 0.25 mg/l elv at 0.48 mg/l
- P2 ammoniacal nitrogen breaches 0.25 mg/l elv at 0.44 mg/l

No notification was supplied for this breach. This parameter did not breach in Q3.

**Score:** (E3) Emission to Surface Water. Permit Condition 3.1.2. Score CCS 3.

**Action 4:** Supply a completed Notification form.

- suspended solids breaches the 50 mg/l elv at 75.2 mg/l.

Although this parameter continued to breach in Q3; it is noted that the operator is currently implementing works and investigating a resolution to elevated suspended solid levels.

No notification was supplied for this breach.

**Score:** (E3) Emission to Surface Water. Permit Condition 3.1.2. Score CCS 3.

**Action 5:** Supply a completed Notification form.

- BOD breaches the 20 mg/l elv at 25.7 mg/l

No notification was supplied for this elv breach. The BOD elv was not breached in Q3.

**Score:** (E3) Emission to Surface Water. Permit Condition 3.1.2. Score CCS 3.

**Action 6:** Supply a completed notification form.

##### **Groundwater emission points:**

- ammoniacal nitrogen breaches the 2 mg/l elv at 2.2 mg/l however, there is a reported uncertainty of 12.7% which places the bottom range under the emission limit value. Therefore, this breach does not attract a score.

Peripheral landfill gas:

- methane breached the 1% v/v elv at 83.3%
- carbon dioxide breached the 1.5% v/v elv at 23.4%
  - It is noted that the operator is in the progress of investigating this issue as per a recent CAR and action.

**Score:** (E2) Emission to Land. Permit Condition 3.1.2. Score CCS 3.

**Action 7:** Provide an update regarding the proposed resolution to gaseous exceedances by the listed compliance date.

Particulates/Dust:

- particulate matter breached at the perimeter of the installation adjacent to Penbryn. The reported result was 355 mg/m<sup>3</sup> against an elv of 200 mg/m<sup>3</sup>.

**Score:** (E1) Emission to Air. Permit Condition 3.1.2. Score CCS 3.

**Action 8:** Supply the conversion formula that is applied to the raw laboratory data prior to submission to NRW and a written explanation of how and why it is applied.

Notifications:

The lack of notifications noted above for this quarter have been scored as outlined below. These scores have been consolidated into one score for Q2. It is recognised that the operator under its new regime has improved processes and procedures with regards to notifications and a full suite of populated notifications was provided for Q3.

**Score:** (G4) Reporting & Notification to Natural Resources Wales. Permit Condition 4.3.1(b). CCS Score 4.

**Action 9:** Submit the completed notifications as stated in Actions 4, 5 & 6.

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**Q3 Monitoring Returns**

The Q3 Monitoring Returns were submitted by the incumbent Environmental Technician after communication over the earlier issues with the Q1 monitoring data and annual report. The submission was quality assurance checked by new staff at the facility.

**Breaching parameters are discussed below:**Surface water emission points P1 & P2:

NRW was notified of the below suspended solids breaches at P1 & P2. It is noted that the operator is currently implementing works and investigating a resolution to elevated suspended solid levels.

- suspended solids breaches the 50 mg/l elv at 54 mg/l at P1
- suspended solids breaches the 50 mg/l elv at 249 mg/l at P2

**Score:** (E3) Emission to Surface Water. Permit Condition 3.1.2. Score CCS 3.

**Action 10:** Provide an update regarding the proposed resolution to suspended solids exceedances by the listed compliance date.

Treated Leachate (TL1):

- suspended solids breaches the 500 mg/l elv at 2040 mg/l.
  - Notification of this breach was submitted on 28/10/22. The Part B states that leachate was recirculated until dosing resolved and compliance with elv achieved. New procedure raised. No score applied as the breach was identified and procedures prevented emission.

**Score:** (E4) Emissions to Sewer. Permit Condition 3.1.2. Action Only.

**Action 11:** Supply the written discharge procedure referred to in the notification by the listed action date. Consider consolidating the procedure into the leachate management plan; inform NRW of your intention to consolidate or not by the action date.

In-field leachate:

- leachate head breaches the 1 metre above cell base and is at a reported level of 11.7 metres.
  - Notification supplied. Works ongoing at the affected leachate well LCP8

**Score:** (B1) Engineering to Control Emissions. Permit Condition 3.1.2. CCS Score 3.

**Action 12:** Take immediate steps to lower the in-field leachate level to draw down the leachate head to within compliance limits. Investigate functionality and integrity of the leachate extraction system. Provide a weekly report of actions and level of leachate head to you regulating officers until further notice.

Peripheral landfill gas:

- methane breached the 1% v/v elv at 83.3%
- carbon dioxide breached the 1.5% v/v elv at 25.1%.
  - Notification supplied. It is noted that the operator is in the progress of investigating this issue as per a recent CAR and action.

**Score:** (E2) Emission to Land. Permit Condition 3.1.2. Score CCS 3.

**Action 13:** Provide an update regarding the proposed resolution to gaseous exceedances by the listed compliance date.

Particulates/Dust:

- particulate matter breached at the perimeter of the installation adjacent to Penbryn. The reported result was 268.5 mg/m<sup>3</sup> against an elv of 200 mg/m<sup>3</sup>.
  - Notification of this breach was submitted on 28/10/22. The Part B identified a drop in recorded levels from Q2 and a further decrease to a compliant level in September due to actions applied.

**Score:** (E1) Emission to Air. Permit Condition 3.1.2. Score CCS 3.

**Action 14:** Supply the conversion formula that is applied to the raw laboratory data prior to submission to NRW and a written explanation of how and why it is applied.

Thank you for the supplied monitoring data submissions and for the suite of notifications regarding the breaches during Q3.

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.