

Compliance Assessment Report CAR_NRW0040882

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: Other.

On 03/01/2023.

Parts of permit assessed: Resubmitted Q1 monitoring returns

NRW Lead Officer: Paul Challenger.

Report sent to: Paul Wren, Site Manager on 04/01/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	
E3 - Emissions - Surface water	C3 Minor	Permit Condition 3.1.2
E3 - Emissions - Surface water	C3 Minor	Permit Condition 3.1.2
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor	Permit Condition 3.1.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	
E2 - Emissions - Land and groundwater	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
4	16

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
G4	Action 1: Append the elv for BOD at P1 & P2 to the empty box in the Water 1 form for the next submitted monitoring returns to be submitted.	28/01/2023
E3	Action 2: No new action. An action has already been applied in previous CAR forms to improve surface water management and consultants have been engaged.	04/01/2023
E3	Action 3: In addition to the ongoing work of the consultants, implement simple suspended solids abatement to filter and	17/02/2023

Criteria	Action needed	Complete by
	slow the drainage ditches that flow to P2 and report implemented solutions to NRW.	
B1	Action 4: Continue ongoing leachate management and reporting as per Action 12 of CAR_NRW0040721.	04/01/2023
G4	Action 5: In the next quarterly monitoring submission submit all the monitoring data required by Schedule 3, Table S3.10 in an appropriate table format.	28/01/2023
E2	Action 6: Engage with relevant specialists to find and implement solutions to high peripheral gas levels.	Already completed

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 Assessment Report (CAR) has been raised to appraise the recently resubmitted Q1 Monitoring Returns. An action was placed on the operator in CAR_NRW004072 to resubmit the returns as it was identified that submitted data for this quarter did not accurately reflect the monitoring data as supplied by the appointed test house. As such scores for breaches emission limit values (elv) that quarter were not applied until the resubmission and review of resubmitted data had taken place.

The data for Q1 2022 (01/01/2022 to 31/03/2022) was resubmitted via email on the 16/12/22 in compliance with the action placed on the operator in the CAR form mentioned above. Monitoring returns were submitted with their associated, fully completed notification forms.

Surface Water

BOD is subject to an elv of 20 mg/l. This elv was not breached at either P1 or P2. The elv however, was not listed on the monitoring returns.

Score: (G4) Reporting & Notification to NRW. Permit Condition 4.2.3. CCS Score - Action Only

Action 1: Append the elv for BOD at P1 & P2 to the empty box in the Water 1 form for the next submitted monitoring returns to be submitted by 28/01/23.

All parameters reported for P2 were higher than those for P1. Only ammoniacal nitrogen and suspended solids however, breached the applied elvs. A notification was submitted for these breaches.

Ammoniacal nitrogen breached the 1 mg/l elv at a value of 40.5mg/l, a significant breach of

the elv even when the 12.7% uncertainty is taken into account. The submitted notification suggests that this is an anomalous reading due to significantly lower levels in the following quarters. On the reviewing officer checking the previous quarter the reported concentration is also significantly lower. Although NRW is satisfied that this is not an ongoing, pernicious issue a breach is applied as the regulator has no reason to doubt the test house in light of the other results.

Score: (E3) Emissions to surface water. Permit Condition 3.1.2. CCS Score 3

Action 2: No new action. An action has already been applied in previous CAR forms to improve surface water management and consultants have been engaged.

Suspended solids breached the 50 mg/l elv at a value of 62 mg/l, this value still represents a breach when 4.1% uncertainty is applied. Suspended solids breaches are a continuous issue at the site and surface water management is being actively reviewed.

Score: (E3) Emissions to surface water. Permit Condition 3.1.2. CCS Score 3

Action 3: In addition to the ongoing work of the consultants, implement simple suspended solids abatement to filter and slow the drainage ditches that flow to P2 and report implemented solutions to NRW by 17/02/22.

Sewer

All reported parameters for emissions to sewer were well within applied elvs.

Leachate

Leachate was reported to be at 24.69 metres at LCP2 on 17/02/22 breaching the compliance limit of 1 meter. In the following quarters the operator has displayed improved management of the leachate system significantly reducing leachate heads. The operator is currently providing weekly reviews of the leachate levels at LCP8 which is showing a continued downward trend in recorded heads. These weekly reviews will continued to be submitted to NRW until consistent compliance is achieved. Once achieved normal quarterly reporting will resume. In the interim weekly reports outline leachate heads and any factors that may have led to elevated levels and any resolutions implemented.

Score: (B1) Engineering to control emissions. Permit Condition 3.1.2. CCS Score 3

Action 4: Continue ongoing leachate management and reporting as per Action 12 of CAR_NRW0040721.

Groundwater

Results for groundwater monitoring boreholes was supplied on the form Groundwater1. This submission covers the parameters that are required to be monitored and reported by Schedule 3, Table S3.5.

Ammoniacal nitrogen breached the 2 mg/l elv at a value of 2.3 mg/l, this value does not represent a breach when the 12.7% uncertainty is applied and therefore no score is applied.

Cadmium was reported to have breached the 0.0012 mg/l elv at a reported concentration of 0.0013 mg/l with 5% uncertainty at W10 on 11/03/22. A completed notification was also submitted. Table S3.5 of Schedule 3 however, lists the elv for Cd as 0.0056 mg/l at all boreholes. The measured value is well within the elv and therefore, no score is applied.

Permit condition 3.7.1(b) requires groundwater monitoring as per Schedule 3, Tables S3.5 & S3.10. Furthermore, permit condition 4.2.3 requires the reporting of this monitoring as per the tables in Schedule 4. Only monitoring data for Table S3.5 was received in this submission. The row in Table S4.1 relating to Table S3.10 Groundwater - other requirements implements a reporting period of every 3 months for parameters monitored monthly or quarterly and annual reporting period for parameters monitored annually. Data for the parameters listed in Table S3.10 was not received.

A score on this occasion is not being applied as the data has previously been received in the original tables from the appointed test house an action however, is applied below.

Score: (G4) Reporting and notification to NRW. Permit Condition 4.2.3. CCS Score - Action only.

Action 5: In the next quarterly monitoring submission submit all the monitoring data required by Schedule 3, Table S3.10 in an appropriate table format.

Landfill Gas in External Monitoring Boreholes

Monitoring data for peripheral landfill gas evidences breaches for both methane and carbon dioxide. CH₄ breached the 1% v/v limit at a value of 80.2% v/v. CO₂ breached the 1.5% v/v level with a value of 20.4% v/v. These levels have remained high for the other 2022 reporting quarters. The operator have engaged with a consultant to investigate and implement solutions for this issue.

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

Action 6: Engage with relevant specialists to find and implement solutions to high peripheral gas levels - Already completed.

Particulates/Dust

The submitted monitoring data for dust was compliant at all monitoring locations.

In addition, the operator provided the methodology and conversion calculations for dust monitoring as listed as Action 8 in CAR_NRW0040721. This submission closes out this action.

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.