

## Compliance Assessment Report CAR\_NRW0041184

**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 30/12/2022.

Parts of permit assessed: Q4 Monitoring Returns & Annual Report

**NRW Lead Officer:** Paul Challender.

**Report sent to:** Paul Wren, Site Manager on 17/02/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B3 - Infrastructure - Site drainage engineering (clean and foul)	Action only (X)	
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)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	Permit Condition 4.2.3.
E2 - Emissions - Land and groundwater	C3 Minor	Permit Condition 3.1.7.
C2 - General Management - Management system and operating procedures	C3 Minor	Permit Condition 3.7.1 & 4.2.2(b&c)

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

Total number of non-compliances recorded	Total non-compliance score
4	12.1

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
B3	Action 1: Confirm in writing if emission point SW3 is to be constructed.	31/03/2023
B1	Action 2: 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 an action plan to NRW.	31/03/2023

Criteria	Action needed	Complete by
G4	Action 3: Submit the missing treated leachate data for temperature in Q4 to NRW and ensure that this is reported in all future submissions.	31/03/2023
G4	Action 4: Submit the missing chloride data as required by Table S3.5 and Table S4.1.	03/03/2023
E2	Action 5: Action complete. Consultant is underway with assessments with regard to gas migration.	Already completed
C2	Action 6: Submit the missing data listed above. Confirm the volume of total void filled in 2022. Review and improve procedures for the acquisition of monitoring data.	14/04/2023

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 by the Natural Resources Wales (NRW) regulating officer to discuss the Annual Report and to review the submitted Q4 monitoring returns covering the period between October - December 2022. The Q4 returns were received by email on 27/01/23 in compliance with Permit Condition 4.2.3.

#### **Q4 Monitoring Returns**

The Q4 returns were received by email on 27/01/23 in compliance with Permit Condition 4.2.3.

#### ***Surface Water***

Quarterly monitoring of point source emissions to water was reported as per the requirements of Permit Condition 3.7.1(b), Schedule 3, Table S3.3 and Permit Conditions 4.2.3 (a, b & c), Schedule 4, Table S4.1. All parameters were compliant with suspended solids results well within the listed emission limit value (elv).

SW3 is a listed emission point in Table S3.3. Due to the ongoing works with your recently engaged consultants currently reviewing surface water management, can you confirm whether the reed beds and the associated emission point SW3 is going to be constructed as per the submitted plan 1009.REED.01.

**Action Only:** (B3) Site drainage engineering. Permit Condition 3.1.1.

**Action 1:** Confirm in writing if emission point SW3 is to be constructed.

***In-Field Leachate***

Quarterly monitoring of in-field leachate was reported as per the requirements of Permit Condition 3.7.1(a), Schedule 3, Table S3.1 and Permit Conditions 4.2.3 (a, b & c), Schedule 4, Table S4.1

LCP3 was found to be in breach of the 1 meter above sump base at a level of 18.93 meters. The operator is currently supplying weekly updates for the well LCP8 which, is also struggling to maintain compliance although it is an improving picture due to operator actions. Leachate head elvs are set in environmental permits to protect groundwater and are based upon the engineering and specifics of each landfill. The operator needs to achieve consistent compliance of leachate heads.

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

**Action 2:** 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 an action plan to NRW.

Permit Condition 3.7.1(a), Schedule 3, Table S3.9 and Permit Conditions 4.2.3 (a, b & c), Schedule 4, Table S4.1 define the other monitoring required for in-field leachate. The 6 monthly and annual data required by Table S3.9 was submitted as part of the Annual Report.

***Treated Leachate***

Quarterly monitoring of in-field leachate was reported as per the requirements of Permit Condition 3.7.1(b), Schedule 3, Table S3.4 and Permit Conditions 4.2.3 (a, b & c), Schedule 4, Table S4.1.

Apart from Chemical Oxygen Demand (COD) all parameters were compliant. COD was reported at 1860 mg/l in the lagoon and the breach was reported by way of a completed Schedule 5 notification with Parts A & B completed. On detection of the breach, leachate was held in the lagoon until the levels were compliant and then discharge took place. Therefore, no score is applied.

No data for temperature has been reported. Due to the completion of the date field for this parameter, it appears to be a unintentional error.

**Action Only:** (G4) Reporting & Notifications to NRW. Permit Condition 4.2.3.

**Action 3:** Submit the missing treated leachate data for temperature in Q4 to NRW and ensure that this is reported in all future submissions.

The 6 monthly monitoring of priority hazardous substances as required by Table S3.4 was submitted as part of the Annual Report.

***Groundwater***

Quarterly monitoring of groundwater was reported as per the requirements of Permit Condition 3.7.1(c), Schedule 3, Table S3.5 & S3.10 and Permit Conditions 4.2.3 (a, b & c),

Schedule 4, Table S4.1. The issues identified are discussed below.

Table S3.5 has two set of elvs defined for different monitoring locations. The required parameters are identical but the applied elvs for chloride differ. Group 1 is monitoring point G1/W1 only and has a chloride limit of 500 mg/l this data was reported and is compliant. Group 2 is monitoring points W2, G13/W3, G16/W4, G18/W5, W6, W7, W8, G32/W9, W10 and G30/W11 which have a chloride elv of 69 mg/l applied. Only the higher level elv for group 1 is listed in the submission and gives the potential to mask breaches in Group 2.

**Score:** (G4) Reporting & Notifications to NRW. Permit Condition 4.2.3. CCS Score 4

**Action 4:** Submit the missing chloride data as required by Table S3.5 and Table S4.1.

Table S3.10 requires further data for listed parameters however, no elvs are applied. The data required to be monitored monthly and quarterly has been appended to the Groundwater1 form.

Annual data required by Table S3.10 for BTEX and Priority Hazardous Substances was submitted as part of the Annual Report.

#### ***Landfill Gas in external monitoring boreholes***

Monthly monitoring of landfill gas in external monitoring boreholes was reported quarterly as per the requirements of Permit Condition 3.7.1(d), Schedule 3, Table S3.6 and Permit Conditions 4.2.3 (a, b & c), Schedule 4, Table S4.1. The issues identified are discussed below.

CH<sub>4</sub> breached the 1%v/v elv at borehole G12 with a recorded value of 80.9%v/v. CO<sub>2</sub> breached the 1.5%v/v elv at borehole G22 with a recorded value of 21.2%v/v. Breaches of this size are consistently recorded across quarters and the landfill requires investigation and works to control migrating gas. The operator has engaged with a consultant to investigate these issues, identify sources and increase gas control.

**Score:** (E2) Emission to Land. Permit Condition 3.1.7. CCS Score 3.

**Action 5:** Action complete. Consultant is underway with assessments with regard to gas migration.

#### ***Particulate matter in ambient air***

Particulates were monitored and reported as per the requirements of Permit Condition 3.7.1(e), Schedule 3, Table S3.11 and Permit Conditions 4.2.3 (a, b & c), Schedule 4, Table S4.1. All parameters for all required monitoring points were reported as compliant.

#### **Annual Report**

The Annual Report to satisfy Permit Condition 4.2.2 was generated by the newly appointed consultants and was subject to a delay. An extension was granted until the 14th February 2023. The Annual Report for 2022 has now been received.

The monitoring data for the Biomass boiler which, has been received separately will be discussed in a separate CAR form. The landfill gas engines are permitted under a separate EPR permit and will be discussed in a further CAR form.

The submitted Annual Report is an improved document when compared to previous annual submissions. Data has been appraised for the year and has been trended. Full comparison against year on year data was not able to be performed this year due to an earlier requirement placed on the operator to review, amend and resubmit the 2021 report.

Annual and six monthly data required by the sub-conditions of Permit Conditions 3.7.1 (and the associated tables found in Schedule 3), 3.7.3 and 3.7.4 were submitted and/or discussed in this report. In addition, most of the annual production and performance parameters required by Schedule 4 Tables S4.2 & S 4.3 was received. Some data is outstanding having not been recorded and/or reported in 2022. These omissions are discussed further below.

The annual report identified elv breaches and some defects in infrastructure which, are to be reviewed and resolved.

The following issues and queries are raised in regard to the annual report:

Paragraph 1.2.3 suggests that the on-site Materials Recycling Facility (MRF) is running and that small fraction sorted waste is being composted. The MRF is currently none operational. Although this statement is believed to be an error on the consultant's part, the operator is reminded that remediating works are required on the MRF's sealed drainage system before it can process waste again.

Paragraph 2.3.1 states that trace gas analysis has not been conducted and is scheduled for March 2023. Trace gas analysis is an annual permit requirement of Table S3.8 and should have been conducted in 2022.

Paragraph 2.4.1 states that the annual landfill gas flare monitoring will take place in March 2023. The landfill gas flare monitoring is required annually when it has been used more than 10% of the time. Landfill gas flare monitoring is an annual permit requirement of Table S3.2 and should have been conducted in 2022. The landfill gas engines are captured under a different EPR permit and a separate CAR will be raised for the gas engines.

Paragraph 4.4.8 discusses chloride breaches in the groundwater monitoring borehole W01, stating and elv of 69mg/l. The recent variation (EPR/BU7766IC/V010) elevated the chloride elv to 500mg/l due to evidence submitted to support the assertion that high chloride at this location was due to the influence of road salt. The listed breaches do not breach the elv if they occurred after 16th June 2022. All other groundwater monitoring points are subject to the 69 mg/l chloride elv.

Paragraph 7.1.2 states that landfill gas combustion data to satisfy the requirements of Table S4.2 will be gathered in March 2023. Combustion data is an annual requirement and should have been gathered for the 2022 reporting period in readiness for timely submission as per permit conditions

Section 8, Paragraph 8.1.1 and Table 7 are in relation to annual energy used (including for leachate treatment) as required by Table S4.3. Table 7 is blank and reports no data.

Paragraph 9.1.1 finishes with the statement '*The total void filled during 2022 was 23,76.8 m<sup>3</sup>.*'. There is a type error in this number with regard to the comma placement. Please confirm in writing the correct total void volume that was intended to be written.

With regard to annual data not gathered and reported in 2022, this has been regarded as a failure to monitor and report within the relevant timeframes as defined by the permit. This has been deemed as failure to adequately manage the acquisition of monitoring data. A consolidated score has been applied below.

**Score:** (C2) Management System and Operating Procedures . Permit Condition 3.7.1 & 4.2.2(b&c). Consolidated CCS Score 3.

**Action 6:** Submit the missing data listed above. Confirm the volume of total void filled in 2022. Review and improve procedures for the acquisition of monitoring data.

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.