

Compliance Assessment Report

Report ID:
CAR_NRW0034795

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	19/02/2019	Time in	10:40	Out	12:52	
Assessment type	Audit					
Parts of the permit assessed	All below					
Lead officer's name	Ellis, Rhys					
Accompanied by	Aled Rees					
Recipient's name/position	David Williams / Tony Webber/ Technical manager/Site manager	Date issued	13/03/2019			

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
C1 - General Management - Staff competency/training	C2	1.1.1
C4 - General Management - Storage, handling labelling and Segregation	X	
	C3	3.2.3
E1 - Emissions - Air	X	
E2 - Emissions - Land and groundwater	C2	3.1.1
E3 - Emissions - Surface water	C2	3.2.1
F1 - Amenity - Odour	X	

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	5	Total compliance score (see section 5 for scoring scheme)	101
------------------------------------	----------	---	------------

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

The main purpose of the visit was to undertake an inspection and to assess progress in relation to matters raised with the operator in previous inspections before Christmas. The following observations, discussions and breaches of permits were noted during the visit.

Regulatory officers met with Tony Webber whilst on site and a brief summary of our main observations noticed during the inspection was raised with him at the time.

Surface water Management

Tony Webber advised during the visit that he was of the understanding that the current regulation 36 enforcement notice served on Sundorne Products (Llanidloes Limited) to implement and install adequate control measures and infrastructure to comply with condition 3.1.2 of the permit and associated limits as stipulated in Table S3.2 for emission points P1 and P2 is June 2019.

The deadline is actually 9th April 2019. Please note that failure to comply with an enforcement notice is an offence. Please see original email with notice attached which was sent to relevant personnel. The issues associated with surface water has now been occurring for an unacceptable amount of time.

We trust that the relevant responsible personnel within the company are giving this issue their immediate priority and attention.

As outlined in an email to David Williams on the 21/01/2019, particular attention should also be given to matters such as permit variation (This is likely to be required if dosing is introduced and if operating techniques are changing on site). The operator should also consider if CQA is applicable to elements of the design etc.

It was noted by walking around, that a surface water ditch that was previously used to divert contaminated water to the Effluent Treatment plant system has now been blocked and surface water is diverted back towards the surface water ditch by the weighbridge.



ACTION A :

Can you confirm what is now happening to contaminated surface water that no longer goes through the Effluent Treatment Plant. Please respond no later than 20th March 2019.

Outstanding information

Several Actions were noted in CAR forms sent to the operator following visits undertaken before christmas , these include;

Landfill permit

CAR_NRW0034451. CAR_NRW0034377 (mainly action 1 and 8)

As explained during the visit, NRW require a detailed formal response to each action. Due to the information not being forthcoming, an enforcement notice has now been issued to the operator (served on the 06/03/2019) requesting this information.

This notice also requests for responses to other actions highlighted within other CAR forms or agreed previously within the operator which are outstanding.

A1 Specified activities Contaminated oversized green waste

An apparent unauthorised deposit of oversized un screened green waste (Photograph below) 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. Compost effluent was also observed seeping from these stockpiles.

There is an outstanding action in relation to this matter which was raised in previous CAR form. Due to the response not being forthcoming an enforcement notice has been issued to cover this action.

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



E3- Emissions to Water

Discharge of contaminated water from Phase 1 to surface water

During the visit there was a discharge flowing from an excavated area within Phase 1. This appeared to have a strong orange stain to it. Tony Webber advised that this was not leachate. Due to the observations of staining and the fact that the receiving watercourse was also being impacted by the staining a sample was taken of this discharge as a precaution to confirm its composition and whether it contained polluting matter or not.

As discussed in a subsequent telephone conversation with Tony Webber (at approximately 16:45 that day), on arrival back to the office and whilst undertaking an odour check of the sample a strong leachate odour was noticed. A decision was made to send the sample as a 'formal' to our laboratory. A representative sample was offered to Mr Webber which was declined.

It was explained to the operator on the same day, that, if the discharge is contaminated the operator is likely to be breaching permit conditions and committing an offence. Any continual discharge occurring in the interim was at your own risk.

Natural Resources Wales subsequently emailed the operator on the 26 February 2019 confirming that the sample results of the discharge from Phase 1 to surface water have been received.

The sample results indicated that a few of the determinants analysed for are significantly elevated (examples include ammonia which had a result of 46.8 mg/l and chloride of 140mg/l). This, together with the odour noticed within the sample would indicate that this discharge is significantly contaminated and is not natural. A copy of the sample results was forwarded to the operator.

Discharge of this poor quality effluent to the Afon Bradnant could significantly affect the overall quality of this river. Additionally the River Severn which the river Bradnant discharges to is classified as a high quality for ammonia (latest published WFD Classification Data 2015 Cycle 2).

As a result Condition 3.2.1 of the permit has been breached as emissions of substances not controlled by emission limits is

causing pollution. Appropriate measures have also not been taken to prevent or minimise those emissions.

As a result a **CCS 2 Score** has been applied.

Two actions were stipulated in the email :

"ACTION 1

As this discharge is contaminated you are likely to be breaching relevant permit conditions and committing an offence. Natural Resources Wales require the operator to investigate this as a matter of urgency and feedback to Natural Resources Wales what the source of this contamination is and what actions will be taken to stop this discharge to receiving watercourse. Please could you respond by 5th March 2019.

ACTION 2

Operator to carry out daily visual assessment and sampling in this vicinity (including P1 discharge point) and results forwarded to Natural Resources Wales. Your analysis should include determinants listed in Table S3.3 of the permit. Please could you provide your proposed monitoring and sampling programme for this, including details of expected timescales for provision of results, no later than 5th March 2019."

Natural Resources Wales has not received a full response to this and therefore a notice has been served requesting for a detailed response in regards to this matter.



E2- Emission – land

B1 Engineering to control emissions.

Overflow of sludge from the Leachate treatment lagoon

There was evidence that sludge had been overflowing from the leachate treatment lagoon. It was explained that this incident occurred when the operator was re seeding the effluent treatment lagoon. This had overflowed down the embankment and into the temporary sump constructed below the lagoon. There was a risk of contamination entering ground and surface water.

ACTION B: This area should be cleaned up and the sump emptied with immediate effect.



Containment of effluent around Leachate treatment plant.

There was runoff of leachate to ground around the leachate treatment plant. This issue has been raised during previous visits.



ACTION C

There is an outstanding action in relation to this matter which was raised in previous CAR form. Due to the response not being forthcoming an enforcement notice has been issued to cover this action. Please respond accordingly to this enforcement notice.

There was also evidence that leachate had been overflowing from 'Sump 9x'. There was significant scorching and localised erosion around the chamber indicating evidence of previous significant discharges. There was also remnants of what appeared to be leachate in the vicinity (Please see photographs). This area has a direct pathway to surface water therefore the risk of pollution to ground and surface water is significant.

Due to these point source emission to land (and potentially surface water) a breach of permit condition 3.1.1 is noted for all the above. Due to the emissions being highly polluting (untreated leachate containing high concentration of polluting matters and hazardous polluting substances) the risk of pollution is significant.

As a result of the cumulatively point source emissions to land listed above a **CCS score of 2** is applied under condition 3.1.1 where it stipulates that emissions of substances not controlled by emission limits shall not cause pollution. This is scored only under sub criteria E2- Emission to land on this occasion and a score has not been applied under B1 Engineering to control emissions.



ACTION D.

Operator to confirm the cause of the overflow from this chamber and provide details of what measures will be taken to ensure that similar incident will not occur in future. Please respond no later than 9th April 2019.

E1 – Emission to Air.

A strong landfill gas odour was noticed by the entrance to cell 9.

Please can the operator investigate this. The operator should forward details of the current performance status of all gas wells on cell 9. This should include gas balancing data, leachate dips (I.e Dip to water and dip to base), and confirmation of which ones are extracting efficiently and details of any ones that are not and the reason for this and actions to be taken with timeframes. Operator to confirm if emission monitoring has been undertaken

This report should be submitted no later than 15th March 2019 as stipulated in a subsequent enforcement notice served on the operator.

B1 - Engineering to control emissions - Emergency works

It was noted that the emergency works on phase 9D undertaken by the Operator has been damaged by the weather. This has been raised in previous inspections, but no response has been received to date about plans to rectify this matter.

ACTION E. Please respond accordingly as stipulated in a subsequent enforcement notice served on the operator.

C4- Storage, handling, labelling and segregation

Several full IBC containing Ferric Chloride and Sodium Hydroxide were noticed being stored on permeable base with no secondary containment which is a breach of permit condition.

Condition 3.2.3 stipulates that all liquids in containers , whose emissions to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable , to minimise . leakage and spillage from the primary containment.

A CCS score of 3 is applied on this occasion.

ACTION F Please ensure that actions are taken to ensure that these are stored in accordance with permit conditions. Operator to Update NRW no later than 9th of April detailing actions taken.



F1 – Odour

NRW noticed a burning odour on the road located along the eastern side of the site before arriving on site, this was linked to the smouldering compost on site. A slight leachate odour was also noticed along this road. Whilst walking around site a strong leachate odour was noticed downwind of the leachate storage lagoon. Please can the site investigate this further.

ACTION G: Please respond accordingly as stipulated in a subsequent enforcement notice served on the operator.

CCTV

It was encouraging to see that CCTV has now been installed on the leachate treatment facility.



Photo of newly installed CCTV



Example of what can be viewed in the office on CCTV system.

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 (and previous CAR Forms) raise major 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 to follow relevant procedures resulting in several breaches of permit conditions which have led to pollution of the environment (Examples in this CAR form include):

- Management of leachate/sludge within leachate balancing lagoon.
- Containment of effluent around Leachate treatment plant and effluent within the leachate infrastructure
- Emission of leachate to ground around the leachate treatment plant.
- 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.
- Failure to Notify NRW

Also crucial and important information has not been forthcoming by the permit holder (despite NRW requesting some of this information numerous times), these relate to on going permit breaches noted by NRW. It is disappointing and concerning that NRW has to request this information through an enforcement notice.

As a result of all the above a CCS score of 2 has been applied on this occasion. General management appears to be the root cause of many of the breaches which occur on site. There also seems to be a lack of actioning to breaches noted by NRW. Cumulatively these breaches noted together with those highlighted in previous CAR forms that are still non compliant (examples include on going contaminated surface water issues), there is now cumulatively an increase risk of a potential major environmental effect from the sites activities on site.

The operator has confirmed that Tony Webber is the technically competent manager at Bryn Posteg Landfill. It has been drawn to our attention that from the certificates provided by the operator, Tony Webber's continuing competency expired in March 2018 this

could be viewed as another root cause of issues noted on site.

You confirmed on the 11th March 2019 that Anthony (Tony) Webber renewed his Continuing Competence Certificate on the 22nd February 2019 (11 months after expiry). NRW is still investigating this issue and if applicable, any further permit breaches may be assigned in future

ACTION H

Please note that if these repeated longstanding breaches continue NRW will consider escalating the CCS score to a 1.

It is therefore imperative that the operator responds formally (signed by responsible company director) explaining what actions will be taken by the operator to ensure that the overarching management on site is sufficient to manage on going breaches of permit and to improve compliance on site and to ensure that actions are addressed by the operator and communicated back to NRW within a timely manor. Please respond no later than 09/04/2019.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034795**

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	19/02/2019

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			
F1	X	See action in CAR form	15/03/2019
E1	X	See actions in CAR form	15/03/2019
E2	C2	Refer to Actions in CAR Form	15/03/2019
E3	C2	See Action sin CAR Form	15/03/2019
A1	C3	See Actions in CAR FORM	03/05/2019
C4	X	See Action in CAR form	09/04/2019
C4	C3	Refer to Actions in Car form	09/04/2019
C1	C2	Take action to resolve continual breaches of permit conditions. Relevant site personnel to give on going compliance issues their immediate attention to bring this site back into compliance. Operator to also respond formally to Action H	09/04/2019

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.