

Compliance Assessment Report CAR_NRW0042134

Permit being assessed: BU77661C.

For: Bryn Posteg Landfill , **held by:** Sundorne Products (Llanidloes) Ltd

At: Bryn Posteg Landfill Site Tylwch Road , Llanidloes, Powys, SY18 6JJ.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 13/07/2023.

Parts of permit assessed: Q1 Monitoring Returns.

NRW Lead Officer: Paul Challender.

Report sent to: Paul Wren, Site Manager, on 14/07/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR4B - Information - Reporting	Action only (X)	
IR2I - Operations - Leachate levels (only applicable to landfill)	C3 Minor	Permit Condition 3.1.2
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	Permit Condition 3.7.1(b), Schedule 3, Table S3.4
IR4B - Information - Reporting	Action only (X)	
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	Permit Condition 3.7.1(c), Schedule 3, Table S3.5.
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	Permit Condition 3.7.1(c), Schedule 3, Table S3.5.
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	Permit Condition 3.1.7(d), Schedule 3, Table S3.6.
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	Permit Condition 3.1.7(d), Schedule 3, Table S3.6.
IR4C - Information - Notification	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
6	24

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
IR4B	Action 1: Ensure correct elv of 1 mg/l for the Ammoniacal Nitrogen parameter at P2 is utilised in the reporting form.	31/07/2023
IR2I	Action 2: Continue to improve leachate extraction and management as agreed with NRW under your submitted leachate action plan.	31/10/2023
IR3A	Action 3: Engage with your test house to identify the root cause of the reported high level of COD.	31/10/2023
IR4B	Action 4: Ensure data for all monitoring locations are correctly identified on the Q2 monitoring returns submission.	31/07/2023
IR3A	Action 5: Submit to NRW the results of the investigation to the sources of the elevated groundwater Ammoniacal Nitrogen levels.	31/10/2023
IR3A	Action 6: Submit to NRW the results of the investigation to the sources of the elevated groundwater Zinc levels.	31/10/2023
IR3A	Action 7: Report to NRW on steps to ensure gas migration is under control.	31/08/2023
IR3A	Action 8: Report to NRW on steps to ensure gas migration is under control.	31/08/2023

Compliance 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 review the submitted Q1 monitoring returns covering the period between January - March 2023. The Q1 returns were received by email on 25/04/23 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 applied emission limit values (elvs).

The reporting form Water1 however, lists an elv of 1 mg/l for Ammoniacal Nitrogen at P2. This is the incorrect elv to be complied with and reported at this emission point. The correct elv at P2 is 0.25 mg/l.

The elv of 1 mg/l for Ammoniacal Nitrogen was applied to the proposed emission point of SW3 which, the operator has recently confirmed will not be constructed.

Action Only: (IR4B) Reporting. Permit Condition 4.2.3, Schedule 4, Table S4.1.

Action 1: Ensure correct elv of 1 mg/l for the Ammoniacal Nitrogen parameter at P2 is utilised in the reporting form.

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.

RMLP9D was found to be in breach of the 1 meter above sump base at a level of 22.72 meters. This is a breach of the 1 meter above sump base elv. The operator is currently reporting leachate levels at an enhanced frequency to NRW, providing weekly data. The operator is also conducting works to improve leachate levels and management across the site. A Part B notification was received for this breach and compliance with the elv was achieved by the submission date.

Score: (IR2I) Leachate levels. Permit Condition 3.1.2. Score C3

Action 2: Continue to improve leachate extraction and management as agreed with NRW under your submitted leachate action plan.

Treated Leachate

Quarterly monitoring of treated 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.

Ammoniacal Nitrogen was reported at 158 mg/l against an elv of 150 mg/l however, once the uncertainty of 12.7% is taken into account this does not represent a breach of the elv. The operator highlighted the high level in a completed Part A & B notification.

COD was reported at 4720 mg/l in the lagoon against the elv of 1000 mg/l and the breach was reported by way of a completed Schedule 5 notification with Parts A & B completed. The notification indicates surprise at the level detected by the laboratory. In house testing indicated a compliant level of 883 mg/l on 05/03/23 and the receiving sewage undertaker

also tested on the same day finding a level of 1040 mg/l.

The operator should liaise with their test house to identify the root cause of the reported high level to ascertain if it is a true value or if an error has occurred.

Score: (IR3A) Emissions to water, air or land. Permit Condition 3.7.1(b), Schedule 3, Table S3.4. Score C3.

Action 3: Engage with your test house to identify the root cause of the reported high level of COD.

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. The submitted data lists Group 2 as W02-W09 however, data for W10 is found in the tables.

Action Only: (IR4B) Reporting. Permit Conditions 4.2.3, Schedule 4, Table S4.1.

Action 4: Ensure data for all monitoring locations are correctly identified on the Q2 monitoring returns submission.

Ammoniacal Nitrogen at W1 was reported at 2.4 mg/l against a 2 mg/l elv. A submitted notification states that the uncertainty value of 12.7% causes this value not to be a breach. NRW considers the reported value of 2.4 mg/l to be in breach of the elv as once the uncertainty is applied a value of 2.1 mg/l is derived. The notification indicated that the operator has taken additional samples to try to identify the cause of the elevated levels.

Score: (IR3A) - Emissions to water, air or land. Permit Condition 3.7.1(c), Schedule 3, Table S3.5. Score C3.

Action 5: Submit to NRW the results of the investigation to the sources of the elevated groundwater Ammoniacal Nitrogen levels.

Zinc was found to have breached the elv of 0.85 mg/l with a detected level of 1.5 mg/l at W10. The notification indicated that the operator has taken additional samples to try to identify the cause of the elevated levels.

Score: (IR3A) - Emissions to water, air or land. Permit Condition 3.7.1(c), Schedule 3, Table S3.5. Score C3.

Action 6: Submit to NRW the results of the investigation to the sources of the elevated groundwater Zinc levels.

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.

CH₄ breached the 1%v/v elv at borehole G12 with a recorded value of 77.5%v/v. CO₂ breached the 1.5%v/v elv at borehole G22 with a recorded value of 21.6%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.

CH₄ at 77.5%v/v has generated a score:

Score: (IR3A) Emissions to water, air or land. Permit Condition 3.1.7(d), Schedule 3, Table S3.6. Score C3.

Action 7: Report to NRW on steps to ensure gas migration is under control.

CO₂ at 21.6%v/v has generated a score:

Score: (IR3A) Emissions to water, air or land. Permit Condition 3.1.7(d), Schedule 3, Table S3.6. Score C3.

Action 8: Report to NRW on steps to ensure gas migration is under control.

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.

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.

If your assessment result in Section 1 is suspended, what does this mean?

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 compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.