

Compliance Assessment Report CAR_NRW0043461

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: 31/12/2023.

Parts of permit assessed: Q4 Monitoring Returns.

NRW Lead Officer: Paul Challender.

Report sent to: Paul Wren, Site Manager, on 14/02/2024.

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

| Part of permitted activity assessed (compliance criteria) | Assessment result | Permit condition |
|---|-------------------|--|
| IR2I - Operations - Leachate levels (only applicable to landfill) | C3 Minor | Permit Condition 3.1.2. |
| IR3E - Emissions and monitoring - Monitoring | Action only (X) | |
| IR3E - Emissions and monitoring - Monitoring | Action only (X) | |
| 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. |

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

| Total non-compliances recorded | Total non-compliance score |
|--------------------------------|----------------------------|
| 3 | 12 |

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 |
|----------|--|-------------|
| IR2I | Action 1: Continue to improve leachate extraction and management as agreed with NRW under your submitted leachate action plan. | 30/04/2024 |
| IR3E | Action 2: Confirm in the submission of the annual report the determinands monitored in the reported Priority Hazardous Substances screen by 29/02/24. | 29/02/2024 |
| IR3E | Action 3: Ensure that the elv is correctly listed in monitoring returns and that the operator has regard for the correct elv for maintaining compliance. | 30/04/2024 |
| IR3A | Action 4: Gas migration investigation report is in progress with appointed consultants. CO2 at 28.4%v/v has generated a score: | 30/04/2024 |
| IR3A | Action 5: Gas migration investigation report is in progress with appointed consultants. | 30/04/2024 |

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.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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 Q4 monitoring returns covering the period between September – December 2023.

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 apart from Ammoniacal Nitrogen at P2 were compliant with applied emission limit values (elv).

Ammoniacal Nitrogen was reported to be at 0.27 mg/l. This reported level is within the elv when the 12.7% uncertainty is applied. A Schedule 5 notification was received for this occurrence.

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 at a level of 15.52 meters. This is a breach of the 1 meter above sump base limit. A completed Schedule 5 notification was received for this breach. There has been ongoing work and maintenance on the leachate system over 2023. Control of leachate levels has broadly improved. This will be further commented upon when the forthcoming annual report is reviewed.

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

Action 1: 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.

Priority Hazard Substances screen was reported in the Q4 reporting form as per the requirement for 6 monthly requirements for this screen. The form lists in the Test Method section "Determination of Pesticides in Water by GC-MS etc". It is unknown if this monitoring suite covers the full list of Priority Hazard Substances.

Score: (IR3E) Monitoring. Permit Condition 3.7.1(b), Schedule 3, Table S3.4. Action Only.

Action 2: Confirm in the submission of the annual report the determinands monitored in the reported Priority Hazardous Substances screen by 29/02/24.

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.

Table 3.5 requires the monitoring of Mecoprop and applies an elv of 0.018 mg/l. The elv column in the supplied monitoring data states an elv of 0.0001 mg/l. Mecoprop has been monitored and complies with the permitted elv however, the statement of an incorrect elv has the potential for the operator to erroneously believe that they are in compliance.

Score: (IR3E) Monitoring. Permit Condition 3.7.1(c), Schedule 3, Table S3.5. Action Only.

Action 3: Ensure that the elv is correctly listed in monitoring returns and that the operator has regard for the correct elv for maintaining compliance.

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 84.7%v/v. CO₂ breached the 1.5%v/v elv at borehole G22 with a recorded value of 28.4%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. Notifications were submitted.

CH₄ at 84.7%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 4: Gas migration investigation report is in progress with appointed consultants.

CO₂ at 28.4%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 5: Gas migration investigation report is in progress with appointed consultants.

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.