

## Compliance Assessment Report CAR\_NRW0043762

**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:** Site Inspection,

**Reason:** Routine.

**On:** 20/02/2024 between 13:40 and 16:00.

**Parts of permit assessed:** Site inspection.

**NRW Lead Officer:** Jamie Blythin, accompanied by Paul Challender.

**Report sent to:** Paul Wren , Site Manager , on 15/03/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3C - Emissions and monitoring - Odour	C3 Minor	3.3.1
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.1
IR3F - Emissions and monitoring - Pests	Assessed (A)	
IR3A - Emissions and monitoring - Emissions to water, air or land	Action only (X)	
IR3A - Emissions and monitoring - Emissions to water, air or land	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
2	8

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
IR3C	Action 1- Investigate the source of the leachate odours and	05/04/2024

Criteria	Action needed	Complete by
	provide NRW with an Action Plan detailing what remedial measures you propose to take to address these.  Action 2- Submit a copy of the report into landfill gas migration to NRW	
IR3A	Action 3- Carry out a root cause analysis (RCA) investigation into the pipe failure and circumstances which led to leachate flowing into the MRF. Confirm measures put in place to prevent it happening again in the future. Provide NRW with an updated schedule 5 notification in relation to this incident which refer to both of these.	05/04/2024
IR3A	Action 4- Provide NRW with an update regarding the volume of contaminated water removed from the MRF area and an estimate of the remaining volume	28/03/2024
IR3A	Action 5- Provide NRW with an update regarding the volume of contaminated water removed from the MRF area and an estimate of the remaining volume	29/04/2024

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) follows an unannounced site inspection at Bryn Posteg Landfill on 20/02/24.

Immediately before attending site, officers completed off-site odour monitoring around the outside perimeter of the site. Landfill gas and leachate odours were detected on the road to the north-east of the landfill. At the time, these odours were mild and transient. NRW considers this to be a breach of permit condition 3.3.1 which states

'Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to

minimise the odour.'

#### IR3C-Odour-C3

Action 1- Investigate the source of the leachate odours and provide NRW with an Action Plan detailing what remedial measures you propose to take to address these - due 05/04/24

It should be noted that the operator has engaged the services of an environmental consultant to carry out a desktop study and associated investigative works into landfill gas migration at the site. This is in response to breaches of Emission Limit Values (ELVs) in perimeter monitoring wells which have been scored and referenced in quarterly monitoring CARs. NRW are currently waiting for the operator to submit a copy of the report with regards to landfill gas migration.

Action 2- Submit a copy of the report into landfill gas migration to NRW - due 05/04/24

Officers observed waste material that had been blown onto the eastern flank of the landfill. This material was within the permitted site boundary and officers observed site staff picking up this material. Fields adjacent to the landfill were inspected and there was evidence of very minimal litter (less than 10 small pieces of plastic). The roads and trees around the landfill appeared clean and litter free.

On site, officers were accompanied by the Site Manager and the Environmental Technician.

The Materials Recycling Facility (MRF) and surrounding concrete area were flooded with contaminated water. On 05/12/23, the operator sent NRW a schedule 5 notification with photographs, stating that there had been a pipe failure causing leachate to flow into the MRF area. NRW considers this a breach of permit condition 3.1.1 which states

'There shall be no point source emissions to water, air or land except from the sources and emission points listed in schedule 3 tables S3.2, S3.3 and S3.4.'

#### IR3A-Emissions to water, air or land-C3.

Action 3- Carry out a root cause analysis (RCA) investigation into the pipe failure and circumstances which led to leachate flowing into the MRF. Confirm measures put in place to prevent it happening again in the future. Provide NRW with an updated schedule 5 notification in relation to this incident which refer to both of these- due 05/04/24

The operator confirmed that the pipe was fixed soon after the issue was identified and there was no evidence of leachate flowing into the MRF at the time of the inspection. Prolonged heavy rainfall has increased the volume of contaminated water in the MRF area. This area is bunded and there was no evidence of runoff or water escaping this area. The operator is in the process of removing this contaminated water by pumping it to the landfill's leachate treatment lagoon and removing it via tanker to an authorised treatment facility.

Action 4- Provide NRW with an update regarding the volume of contaminated water removed from the MRF area and an estimate of the remaining volume - due 28/03/24

Action 5- Provide NRW with an update regarding the volume of contaminated water removed from the MRF area and an estimate of the remaining volume- due 29/04/24

Landfilling operations were being carried out in the active cell. There was a layer of daily cover applied to waste on the southern edge of the cell while tipping and compaction took place in the northern area of the cell. Although cover had been applied, it was patchy in some areas leaving small areas of waste exposed. It should be noted that despite strong winds and rain at the time of the inspection, there was no evidence of the waste mass being disturbed or being blown offsite.

The patchy cover was discussed with the operator who agreed to use a more comprehensive layer of daily covering material. Following the site inspection, the operator provided NRW with photographs which showed comprehensive daily cover had been applied. The operator should continue to apply daily cover to this standard.

Officers observed a small number of seagulls flying above the site but there was no evidence of the birds picking at the waste and removing it off site.

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](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.