

Compliance Assessment Report CAR_NRW0044179

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: 24/04/2024 between 11:00 and 16:00.

Parts of permit assessed: Site inspection .

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

Report sent to: Site Manger , Site Manager, on 16/05/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Installations - Management - General Management	C3 Minor	1.1.1
IR1A - Installations - Management - General Management	C3 Minor	1.1.1
IR3A - Installations - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.1
IR4C - Installations - Information - Notification	C4 No impact	4.3.1
IR2A - Installations - Operations - Permitted activities	Assessed (A)	
IR2B - Installations - Operations - The site	Assessed (A)	
IR3C - Installations - Emissions and monitoring - Odour	Assessed (A)	
IR3D - Installations - Emissions and monitoring - Noise and vibration	Assessed (A)	
IR3F - Installations - Emissions and monitoring - Pests	Assessed (A)	

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

Total 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
IR1A	Action 1 - Operator to source an adequate supply of daily cover so as to ensure adequate cover is applied over the waste in the active tipping cell at the end of each day to reduce the potential for odours and litter. Action 2- Provide a written update to NRW stating how Action 1 will be achieved.	03/06/2024
IR1A	Action 3- Increase the frequency of site litter picks to ensure all litter deposited within the site boundary is collected.	03/06/2024
IR3A	Action 4- In line with schedule 5 notification, install new antifoam pump and carry out daily checks at the sample point to ensure there is no surcharging.	14/06/2024
IR4C	Action 5- Ensure NRW are notified within the timescales specified in the permit.	17/05/2024

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 a routine site inspection at Bryn Posteg Landfill by officers from Natural Resources Wales's (NRW's) North East Industry Regulation Team. The Site Manager and Environmental Technician accompanied officers during the inspection.

Officers from NRW's Landfill Emissions Reduction Project (LERP) Team were also present as they were conducting a gas audit at the site as part of a Wales-wide project. A report related to the gas audit will be produced separately.

Landfilling operations were being carried out in the active cell. Waste tipping and compaction was focussed in the northern / north-west areas of the cell. The active tipping area was very large and there was a significant amount of exposed waste visible along the southern edge of the cell. Appropriate measures are not being implemented as there is the potential for odour and the generation of increased volumes of leachate due to the exposed waste. This issue will be discussed in the gas audit report completed by the LERP Team.

The Site Manager showed officers the stockpile of daily covering material. This was a relatively small stockpile and the quantity stored on site would not provide adequate daily cover going forward. The lack of daily cover has been raised with the operator on several occasions previously. The application of adequate daily cover is required to control odour and litter emissions.

The site Environmental Management System (EMS) document reference Litter Management and Monitoring (dated 23/06/21) states

'3.5 -Provision of cover materials- The Site Manager will ensure there are adequate supplies of daily and intermediate cover material available at the installation.'

NRW considers this a breach of permit condition 1.1.1-IRIA-General Management and a C3 score has been applied.

Action 1 - Operator to source an adequate supply of daily cover so as to ensure adequate cover is applied over the waste in the active tipping cell at the end of each day to reduce the potential for odours and litter.

Action 2-Provide a written update to NRW stating how Action 1 will be achieved.

Officers observed significant amounts of wind-blown waste/ litter around the inside of the site perimeter. This was discussed with the Environmental Technician during the inspection.

On the last site inspection, officers observed site operatives collecting litter and received assurances from the Site Manager that regular litter picks were being completed.

Although the litter was contained within the site boundary, there is a potential risk of pollution as this could be blown onto adjacent land. NRW considers this a breach of permit condition 1.1.1-IRIA-General Management and a non-compliance score of C3 has been applied. The root cause for the emission of waste from the active tipping cell has been determined as the insufficient application of daily cover which is addressed above. Furthermore, the collection of waste/ litter from around the site is proceeding slowly and risking emission outside of the permitted area.

Action 3- Increase the frequency of site litter picks to ensure all litter deposited within the site boundary is collected.

On 18/04/24, NRW were notified by Hafren Dyfrdwy (accompanied by video evidence) that the consented trade effluent sample point was surcharging and had caused a discharge to ground. The spill had been cleaned up but NRW officers observed staining and signs of enrichment around the manhole on 24/04/24.

NRW considers the surcharging manhole to be a breach of permit condition 3.1.1- IR3A-Emissions to water, air or land and a C3 score has been applied.

Action 4- In line with schedule 5 notification, install new antifoam pump and carry out daily checks at the sample point to ensure there is no surcharging.

The operator submitted a schedule 5 notification to NRW on 26/04/24 in relation to the surcharging manhole discussed above. In this schedule 5 notification, the operator states that there was a discharge of foam from the trade effluent sample point that saturated the ground around it. The operator believes the cause of this incident is the failure of the antifoam pump in use at the site. To prevent reoccurrence of this incident, they have ordered a new antifoam pump and will carry out daily checks to ensure there is no surcharging from the sample point.

The schedule 5 notification (surcharging manhole) was only sent after prompting from NRW. In the past, the operator has proactively sent schedule 5 notifications but, on this occasion, NRW considers that there has been a breach of permit condition 4.3.1 (b) IR4C-Notifications-C4 which states

'In the event of a breach of any permit condition the operator must immediately-

- (i) inform Natural Resources Wales, and
- (ii) take the measures necessary to ensure that compliance is restored within the shortest possible time'

Action 5- Ensure NRW are notified within the timescales specified in the permit.

Immediately following the site inspection, NRW officers completed off-site olfactory monitoring around the boundary of the site. No odours were observed at this time.

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.