

Compliance Assessment Report CAR_NRW0044126

Permit being assessed: UP3995CV.

For: Bryn Posteg M R F, **held by:** Sundorne Products (Llanidloe) Limited

At: Tylwch Road, Tylwch, 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: See below.

NRW Lead Officer: Paul Challender.

Report sent to: Site Manager, 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
W2A - Waste - Operations - Permitted activities	Assessed (A)	
W2D - Waste - Operations - The site	Assessed (A)	
W2E - Waste - Operations - Waste acceptance	Assessed (A)	
W3A - Waste - Emissions and monitoring - Emissions to water, air or land	Assessed (A)	
W3B - Waste - Emissions and monitoring - Emissions of substances not controlled by emission limits	Assessed (A)	
W3C - Waste - Emissions and monitoring - Odour	Assessed (A)	
W3D - Waste - Emissions and monitoring - Noise and vibration	Assessed (A)	
W3E - Waste - Emissions and monitoring - Monitoring	Assessed (A)	
W3F - Waste - Emissions and monitoring - Pests	Assessed (A)	
W3G - Waste - Emissions and monitoring - Fire	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
0	0

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?

No action required.

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

The Bryn Posteg landfill site was visited by the Natural Resources Wales (NRW) Industry Regulation officers Paul Challender and Jamie Blythin in the company of Mostyn Wall and Susan Francis of the Landfill Emissions Reduction Project (LERP) Team. The LERP officers were conducting a gas audit as part of a Wales-wide project and will report the results of their audit separately.

The Bryn Posteg Landfill Site and its suite of various permits were inspected by the NRW officers Challender and Blythin. The NRW officers were accompanied by the Site Manager and the Environmental Technician.

Although falling within the Bryn Posteg Landfill Site's permitted area, the Materials Recycling Facility (MRF) is a separate operation to the landfill site environmental permit and is operated under its own standalone waste operations environmental permit UP3995CV.

The operator has placed the operation into a mothballed state and waste has not been accepted into this permitted operation for some time. The operator continues to submit nil return waste returns to NRW evidencing this.

During the previous inspection the inspecting officers witnessed this area as being flooded with leachate that had had its volume increase due to surface water entering this low lying area. The operator understands that this mixing renders all of the liquid as leachate and is required to be disposed by the relevant environmental regulations. The operator had performed interventions to prevent further surface water entering the area where possible. The operator had also bunded an area to prevent loss of the leachate from the MRF area. The operator has arranged for the tankering away of the leachate to a treatment facility. The leachate within the MRF area was liberating an odour.

Since the last inspection leachate had been both tankered away from the facility and pumped to the leachate treatment lagoon for treatment and discharge. The leachate was observed to have reduced in level.

The MRF permit will not receive compliance scores or actions due to this occurrence that has impacted this area. Compliance scores were applied to the Bryn Posteg Landfill Site environmental permit BU77661C and these issues were discussed in Compliance Assessment Report CAR_NRW0043762.

Compliance Criteria marked as assessed in this report pertain to the MRF activity and permitted area only.

NRW reminds the operator that this permit although not in use will still require the payment of subsistence fees annually. The operator may wish to surrender this permit to remove the requirement to pay this annual fee and submit nil returns. The operator should engage with their regulating officers on how to proceed if they decide to surrender the permit.

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 Waste compliance criteria (used in section 1 and 2):

1. Management

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

2. Operations

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

3. Emission and Monitoring

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

4. Information

- W4A – Records
- W4B – Reporting
- W4C – 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.