

Compliance Assessment Report CAR_NRW0044628

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: 31/03/2024.

Parts of permit assessed: Q1 Monitoring Returns.

NRW Lead Officer: Paul Challender.

Report sent to: Site Manager , Site Manager , on 08/07/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2I - Installations - Operations - Leachate levels (only applicable to landfill)	C3 Minor	Permit Condition 3.1.2.
IR3A - Installations - Emissions and monitoring - Emissions to water, air or land	C3 Minor	Permit Condition 3.1.7(d), Schedule 3, Table S3.6.
IR3A - Installations - Emissions and monitoring - Emissions to water, air or land	C3 Minor	Permit Condition 3.1.7(d), Schedule 3, Table S3.6.
IR3B - Installations - Emissions and monitoring - Emissions of substances not controlled by emission limits	Action only (X)	
IR3E - Installations - Emissions and monitoring - Monitoring	Assessed (A)	
IR4B - Installations - Information - Reporting	Assessed (A)	
IR4C - Installations - 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
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.	31/07/2024
IR3A	Action 2: Submit Caulmert Report 5695-CAU-XX-XX-RP-V-0302 to the NRW site officers Paul Challender & Jamie Blythin.	19/07/2024
IR3A	Action 3: As per Action 2	19/07/2024
IR3B	Action 4: Conduct further investigation of all wells with CO readings exceeding 100 ppm and report the findings in writing to NRW.	16/08/2024

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 Paul Challender, reviewing Natural Resources Wales (NRW) officer to assess the submitted Quarter 1 (January to March) monitoring returns for 2024.

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).

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. pH was also reported as per the requirements of this permit condition and

Table S3.9.

RMLP9D was found to be in breach of the 1 meter above sump base at a level of 5.92 meters. This is a breach of the 1 meter above sump base ELV. The operator continues to conduct works to improve leachate levels and management across the site. A Part B notification was received for this breach.

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. All parameters were reported to be compliant.

Ammoniacal Nitrogen was reported at 157 mg/l against and 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.

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. All parameters were reported to be compliant.

Ammoniacal Nitrogen was reported at 2.2 mg/l against and ELV of 2 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.

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. Gas migration continues to occur at the landfill site, at several boreholes with the highest values recorded being present in this Q1 submission. These high readings are discussed below.

CH₄ breached the 1%v/v ELV at borehole G12 with a recorded value of 82.7%v/v. CO₂ breached the 1.5%v/v ELV at borehole G22 with a recorded value of 27.0%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. The operator's consultant Caulmert has stated in the submitted Annual Report that a gas migration analysis report has been generated and assigned the reference number 5695-CAU-XX-XX-RP-V-0302. A gas migration report has been previously requested by NRW in previous CAR actions and has not been received.

CH₄ at 82.7%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 2: Submit Caulmert Report 5695-CAU-XX-XX-RP-V-0302 to the NRW site officers Paul Challender & Jamie Blythin.

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 3: As per Action 2

Landfill Gas - other monitoring requirements

The quarterly requirements as stipulated in Table S3.8 and Table S4.1 were reported as required.

Carbon Monoxide has been detected a level of 260 ppm at in-waste gas well GW90. This well and it's surrounding well need to be investigated and monitored for CO levels and assessed for the presence of a thermal event as per the "other specifications" requirement of Table S3.8.

Action Only: IR3B - Emissions of substances not controlled by emission limits. Permit Condition 3.1.7(d), Schedule 3, Table S3.8. Action Only.

Action 4: Conduct further investigation of all wells with CO readings exceeding 100 ppm and report the findings in writing to NRW.

****NB: Investigations should be conducted thoroughly and immediately. The action deadline relates to the submission of the findings in writing.****

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.