

## Compliance Assessment Report CAR\_NRW0045990

**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:** 30/09/2024.

**Parts of permit assessed:** Q2 and Q3 Monitoring Returns.

**NRW Lead Officer:** Paul Challender.

**Report sent to:** Site Manager, Site Manager, on 24/01/2025.

### 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(3) - Installations - Emissions and monitoring - Emissions to land	C3 Minor	Permit Condition 3.1.7
IR3A(3) - Installations - Emissions and monitoring - Emissions to land	C3 Minor	Permit Condition 3.1.7
IR3A(1) - Installations - Emissions and monitoring - Emissions to water	Action only (X)	
IR3A(3) - Installations - Emissions and monitoring - Emissions to land	C3 Minor	Permit Condition 3.1.7
IR3A(3) - Installations - Emissions and monitoring - Emissions to land	C3 Minor	Permit Condition 3.1.7

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

Total non-compliances recorded	Total non-compliance score
5	20

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 to achieve continual leachate compliance.	31/03/2025
IR3A(3)	Action 2: Provide an update to NRW of the leachate reduction programme in conjunction with the gas levels from the external monitoring boreholes.	14/02/2025
IR3A(3)	Action 3: As per Action 2	14/02/2025
IR3A(1)	Action 4: Submit to NRW in writing the results for discharge leachate testing for the first discharge that took place after 10/09/24. discharge that took place after 10/09/24.	14/02/2025
IR3A(3)	Action 5: As per Action 2.	14/02/2025
IR3A(3)	Action 6: As per Action 2.	14/02/2025

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.

**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

This Compliance Assessment Report (CAR) has been raised by the Natural Resources Wales (NRW) regulating officer to report on Bryn Posteg's routine emissions monitoring returns and associated Schedule 5 notifications for the period 1<sup>st</sup> April to 30<sup>th</sup> June (Quarter 2) and 1<sup>st</sup> July to 30<sup>th</sup> September (Quarter 3) 2024. As this compliance assessment report covers Quarters 2 and 3, each period has been assessed separately in accordance with NRW's compliance assessment guidance.

### **Quarter 2 Monitoring**

#### **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 and Table S3.9. RMLP9C was found to be in breach of the 1 meter above sump base at a level of 5 meters. This is a breach of the 1 meter above sump base ELV and attracts the compliance score below. A Schedule 5 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 to achieve continual leachate compliance.

### **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.

The reported value for suspended solids was reported to be in breach of the ELV, however, the application of the measurement uncertainty renders this value not to be in breach of the ELV.

### **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.

The mecoprop result was listed against an ELV of 0.0001 mg/l when the permitted ELV is 0.018 mg/l. The result for detected mecoprop was, however, compliant with the permitted ELV. When the Q3 monitoring was assessed the correct ELV was listed. The operator should take appropriate measures for error checking when submitting monitoring returns.

### **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.

CH<sub>4</sub> breached the 1%v/v ELV at borehole again at G12 with a recorded value of 84%v/v. CO<sub>2</sub> breached the 1.5%v/v ELV at borehole G22 with a recorded value of 26.1%v/v. Breaches of this magnitude are consistently recorded across quarters and the landfill requires 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 produced a gas migration analysis report has been generated and assigned the reference number 5695-CAU-XX-XX-RP-V-0302 which, recommends leachate reduction. A Schedule 5 submitted by the operator states that this is their ongoing course of action

CH<sub>4</sub> at 84%v/v has generated a score:

**Score:** IR3A - Emissions to water, air or land. Permit Condition 3.1.7. Score C3.

**Action 2:** Provide an update to NRW of the leachate reduction programme in conjunction with the gas levels from the external monitoring boreholes.

CO<sub>2</sub> at 26.1%v/v has generated a score.

**Score:** IR3A - Emissions to water, air or land. Permit Condition 3.1.7. 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 was detected a level of 260 ppm at in-waste gas well GW90 during Quarter 1. During Quarter 2 this level has now fallen to 55 ppm.

### **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.

## **Quarter 3 Monitoring**

### **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), however, values for ammoniacal nitrogen are approaching the elv. The operator should monitor ammoniacal nitrogen levels going forward.

### **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 and Table S3.9. All wells are reported to be compliant.

### **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.

The operator reported ELV breaches in this quarter for some parameters. They did not, however, discharge to the emission point. This was reported via a Schedule 5 notification. As no emission was released no score has been raised but an action has been applied.

**Score:** Permit Condition 3.1.2. No Score Action Only

**Action 4:** Submit to NRW in writing the results for discharge leachate testing for the first discharge that took place after 10/09/24.

### 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. All parameters were reported to be compliant.

### 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.

CH<sub>4</sub> breached the 1%v/v ELV at borehole again at G12 with a recorded value of 83.4%v/v. CO<sub>2</sub> breached the 1.5%v/v ELV at borehole G36 with a recorded value of 52%v/v. Breaches of this magnitude are consistently recorded across quarters and the landfill requires 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 produced a gas migration analysis report has been generated and assigned the reference number 5695-CAU-XX-XX-RP-V-0302 which, recommends leachate reduction. A Schedule 5 submitted by the operator states that this is their ongoing course of action

CH<sub>4</sub> at 83.4%v/v has generated a score:

**Score:** IR3A - Emissions to water, air or land. Permit Condition 3.1.7. Score C3.

**Action 5:** As per Action 2.

CO<sub>2</sub> at 52%v/v has generated a score.

**Score:** IR3A - Emissions to water, air or land. Permit Condition 3.1.7. Score C3.

**Action 6:** 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.

**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](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.