

## Compliance Assessment Report CAR\_NRW0046293

**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:** 31/12/2024.

**Parts of permit assessed:** Q4 Monitoring Returns & Annual Report.

**NRW Lead Officer:** Paul Challender.

**Report sent to:** Site Manager, Site Manager, on 25/02/2025.

### 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 3.7.1(a), Schedule 3, Table S3.1.
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.
IR3E - Installations - Emissions and monitoring - Monitoring	C3 Minor	Permit Condition 3.7.1(b), Table S3.2
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
4	16

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: Ensure sufficient leachate extraction to maintain control throughout high rainfall periods through pumping and capping.	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.	31/03/2025
IR3A(3)	Action 3: As per Action 2.	31/03/2025
IR3E	Action 4: Monitoring of the flare against the ELVs set in Table S3.2 to be completed by 30th June 2025 and submitted to NRW in writing.	30/06/2025

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.

### **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 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 1st October to 31st December (Quarter 4) and Annual Report.

### **Q4 Monitoring Returns**

#### **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.

#### **In-Field Leachate**

Quarterly monitoring of in-field leachate heads 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.

The operator reported an ELV breach in this quarter for a leachate head of 1.4 metres at LCP8. This was reported via a Schedule 5 notification stating that levels were compliant in October and November but heavy rain fall in December resulted in the breach. Tankers are now in use to increase leachate disposal and return heads to compliant levels.

The operator is reminded that improved leachate control has been stated as being the control method to reduce perimeter gas well ELV exceedances. Adequate capping of uncapped areas and thorough leachate control is required to establish if leachate reduction is indeed having an effect on perimeter gas which has exceeded ELVs again this quarter and is discussed below.

**Score:** (IR2I) Leachate levels. Permit Condition 3.7.1(a), Schedule 3, Table S3.1. Score C3.

**Action 1:** Ensure sufficient leachate extraction to maintain control throughout high rainfall periods through pumping and capping.

pH and the 6 monthly monitoring was also reported as per the requirements of this permit and Permit Condition 3.7.1(a), Schedule 3, 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. All parameters were reported to be compliant.

### **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 (monthly and quarterly only) and Permit Conditions 4.2.3 (a, b & c), Schedule 4, Table S4.1. All reported 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 again at borehole G12 with a recorded value of 84.2%v/v a ~1% increase on the Q3 level. CO<sub>2</sub> breached the 1.5%v/v ELV at borehole G22 with a recorded value of 32.5%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 84.2%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 32.5%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.

### **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.

### **Annual Monitoring**

The annual requirements stipulated in the monitoring tables above were presented in the annual report.

### **Annual Report**

The annual report was submitted to NRW within the required timeframe and included the information stipulated by permit conditions in addition to the annual monitoring requirements listed in the monitoring tables. Due to the gas engines being authorised under EPR permit RP3338TA ; a separate CAR form (CAR\_NRW0046414) has been raised for gas engine monitoring.

Paragraph 1.2.3 indicates that "*The Site accepts municipal waste which consists of 60-70% household waste and 30%-40% commercial trade waste. The waste accepted at the site is processed in a Materials Recycling Facility and the outputs from the process are metals which are screeded out and recycled. Oversized fractions (>80 mm) are landfilled, and fines (<80mm) are composted for two weeks and subsequently landfilled.*". This is an incorrect statement; The MRF has been non-operational for several years and accepted waste is deposited directly into the active cell with no prior, on-site treatment. As the MRF is inactive no-bioaerosol monitoring as per Table S3.12 is required.

Three yearly monitoring of the boiler and annual monitoring of the flare is required as per Permit Condition 3.7.1, Schedule 3, Table S3.2.

The boiler is not currently operation.

In relation to the flare, Note: 1 states "*Annual monitoring of the Landfill Gas Flare is only required when flare operates in excess of 10% of the time taken on annual assessment period.* "

Submitted data for landfill gas burnt in the flare and the engine indicate that the flare has been utilised at a rate that triggers the requirement to perform annual monitoring. This failure to monitor has attracted a score.

**Score:** IR3E - Monitoring. Permit Condition 3.7.1(b), Schedule 3, Table S3.2. Score C3.

**Action 4:** Monitoring of the flare against the ELVs set in Table S3.2 to be completed by 30<sup>th</sup> June 2025 and submitted to NRW in writing.

**NB:** Action 4 has been set to obtain the missing data from the 2024 monitoring year. *If*, the flare is used for more than 10% of the time in the 2025 monitoring period then a further round of flare emission monitoring will have to be conducted in the 2025 monitoring period and the results presented in the 2025 annual report.

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.