

Compliance Assessment Report

Report ID:
CAR_NRW0035577

This form will report compliance with your permit as determined by an NRW officer

Site	Bryn Posteg Landfill	Permit Ref	BU77661C		
Operator/Permit holder	Sundorne Products (Ilanidloes) Ltd				
Regime	Installations				
Date of assessment	12/08/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	All below				
Lead officer's name	Ellis, Rhys				
Accompanied by					
Recipient's name/position	David Williams / Tony Webber/ Technical manager/Site manager	Date issued	15/08/2019		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
C1 - General Management - Staff competency/training	C2	1.1.1
C3 - General Management - Materials acceptance	C3	2.6.1 (e)
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C3	4.2.4

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	3	Total compliance score (see section 5 for scoring scheme)	39
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Thank you for submitting waste returns for all quarters in 2018 and Q1 of 2019 and for the letter dated 11/07/2019 providing response to NRW 's initial comments on the waste returns. Having reviewed your waste returns submission and your response to our comments, NRW have noted the following issues with the information submitted to date;

- The waste returns fail to record the details of the oversize material accepted from the composting facility (Permit EPR/CB3834RQ)
- The waste returns fail to record the details of the composted (non PAS 100) material accepted from the composting facility (Permit EPR/CB3834RQ)
- In previous correspondence you have advised that water within this effluent tank on the composting pad is managed and emptied on a routine basis using site-based vehicles and used to irrigate restored landfill areas. You advised that the operator has no records of this water being removed and accepted at the landfill which is a breach of permit condition. The landfill permit also prohibits the acceptance of liquid waste. You are also breaching the suspension notice by depositing waste on the landfill.
- You advised that that the compost material may mature and stabilise prior to be incorporated into landfill restoration soils. The landfill permit does not authorise the biological treatment (Maturation and stabilisation) of waste compost.

G2- Records of activity, site diary/Journal/events.

Waste returns are inaccurate and have failed to include critical information (examples but not limited too are mentioned above and in previous e-mail correspondence with the operator). As a result, there is a breach of permit condition 4.2.4. A CCS score of 3 is noted on this occasion, however there is a potential for a CCS 2 due to the quantities and type of waste involved (details of which are missing from the waste returns).

Action 1:

The Waste returns should be updated and re submitted accordingly and should include the missing information mentioned above no later than 30th August 2019.

C3 – Material acceptance

Non-permitted wastes accepted onto the site (mainly Liquid waste spread on restored landfill areas)
Permit condition 2.6.1 (e) prohibits the acceptance of liquid waste on the landfill. As a result of this a CCS breach of 3 is noted.

Action 2: Operator to cease the acceptance and spreading of liquid waste onto the landfill with immediate effect.

A1 – Permitted activities

The operator has carried out activities which they are not permitted to do:

- Maturation and stabilisation of compost on the cap
- Store large volumes of waste compost on a landfill capping infrastructure
- Spreading of liquid waste on areas of restored landfill.

This is a breach under permit condition 2.1.1. This breach has been previously noted on previous CAR Form reference NRW_0035244.

Action 3: Operator to cease the unauthorised activities mentioned above with immediate effect.

C1 – Staff Competency and training

The waste returns submitted to NRW raise significant concerns on accuracy. The lack of awareness of permit conditions and the scrutiny around waste acceptance and recording by relevant staff personnel has led to other breaches of permit. By amalgamating the breaches noted on this CAR form together there is a potential of significant environmental impact, this as a consequence has attracted a CCS Score of 2 under permit condition 1.1.1 which stipulates that the operator shall manage and operate the activities using sufficient competent persons and resources.

Action 4 – Operator to ensure they have adequate resource and suitably trained personnel who are aware of the requirements of the permit (This should include waste returns and waste acceptance procedures) from immediate effect.

Please note the deadline of 20/08/2019 is noted on **Actions 2,3 and 4** which are also mentioned in Section 4 . This should be

read as immediately .

Imported sewage sludge

Sewage sludge from Severn Trent at Monkmoor has been accepted on site (specifically for the leachate treatment lagoon). Please note that this is waste material. The operator should ensure that they have the relevant authorisation in place to accept this material, and also ensure that there are waste transfer notes accompanying this material.

Amongst some of the options available for you to be able to accept this material are;

- Vary the permit to allow the acceptance of this material for the leachate treatment lagoon
- Register an exemption U6 using sludge to re-seed a waste water treatment plant.

Action 5: Operator to respond detailing what actions will be taken to ensure the relevant authorisation and paperwork trail are in place for the acceptance of sewage sludge on site. Please respond no later than 30th August 2019.

EPR Compliance Assessment Report

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Site	Bryn Posteg Landfill	Permit Ref	BU7766IC
Operator/Permit holder	Sundorne Products (Ilanidloes) Ltd	Date	12/08/2019

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
C1	C2	See action 3.	20/08/2019
C3	C3	See Action 2	20/08/2019
G2	C3	See action 1	06/09/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.