

## Compliance Assessment Report CAR\_NRW0046535

**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:** Site Inspection,

**Reason:** Routine.

**On:** 05/02/2025 between 12:30 and 14:00.

**Parts of permit assessed:** Site inspection .

**NRW Lead Officer:** Jamie Blythin, accompanied by Paul Challender.

**Report sent to:** Site Manager , Site Manager, on 03/04/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3C - Installations - Emissions and monitoring - Odour	C3 Minor	3.3.1
IR3B - Installations - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	3.2
IR1A - Installations - Management - General Management	C2 Significant	1.1.1
IR3C - Installations - Emissions and monitoring - Odour	Action only (X)	
IR1A - Installations - Management - General Management	Action only (X)	
IR2K - Installations - Operations - Landfill gas management (only applicable to landfill)	C3 Minor	2.10
IR2A - Installations - Operations - Permitted activities	Action only (X)	
IR2K - Installations - Operations - Landfill gas management (only applicable to landfill)	Action only (X)	
IR2K - Installations - Operations - Landfill gas management (only applicable to landfill)	Action only (X)	

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
landfill)		
IR2K - Installations - Operations - Landfill gas management (only applicable to landfill)	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
4	43

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
IR3C	Action 1: See Action 8.	14/04/2025
IR3B	Action 2: See Actions 3 & 5.	28/04/2025
IR1A	<p>Action 3: Provide NRW with a written plan to significantly reduce the size of the active tipping face to the smallest workable size and specify how this will be managed to reduce the potential for odours, wind-blown litter and generation of increased volumes of leachate. Any areas that will not be permanently capped within 6 months need to have temporary capping installed. Due 28/04/25</p> <p>Action 5: Ensure there is a quantity of suitable daily cover material stored on site that can be used to ensure adequate cover is applied over the entire active cell at the end of each day to reduce the potential for odours and litter. Provide a written update to NRW confirming what measures have been put in place to ensure an adequate supply of daily cover is available on site. Due 14/04/25.</p> <p>Action 6: See Action 3. Due 28/04/25.</p>	28/04/2025
IR3C	Action 4: The OPM (document reference 3033-CAU-XX-XX-RP-V-0303.A0-C3- July 2018) needs to be updated to reflect current site operations. Provide NRW with an updated copy of the OMP.	23/06/2025
IR1A	Action 7: See Actions 3 & 5. Ensure site staff continue to pick litter in line with the 'litter tracker' and site procedures.	28/04/2025
IR2K	Action 8: Provide NRW with a written update detailing what	14/04/2025

Criteria	Action needed	Complete by
	measures have been put in place to resolve the issues with GW326 and reduce the potential for landfill gas emissions.	
IR2A	Action 9: Confirm in writing your intention to utilise this compost as part of agreed restoration works or daily cover within the next 3 months or remove from site.	28/04/2025
IR2K	Action 10: See Action 3. Update the LFG Action Plan with the measures proposed to address Action 3.	28/04/2025
IR2K	Action 11: Provide NRW with an updated capping plan for the site. This should include quantified areas of the site that are covered by permanent capping, temporary capping and those that remain uncapped.	28/04/2025
IR2K	Action 12: Provide NRW with an up to date phasing plan that includes reasonable deadlines for the installation of permanent capping for areas of the site that are not permanently capped. Provide reasonable deadlines for the completion of restoration on areas that have been capped. For areas that will not be permanently capped within the next 6 months, provide reasonable deadlines for installation of temporary capping.	28/04/2025

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.**

**We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.**

### 4. Details of our assessment

This Compliance Assessment Report (CAR) follows an unannounced, routine site inspection at Bryn Posteg Landfill.

#### Offsite observations

Before attending site, officers completed olfactory odour monitoring at offsite locations around the perimeter of the site. Strong landfill gas odours-intensity level 4, were detected at the crossroads to the south-east of the site. NRW considers the odours to be a breach of permit condition 3.3.1 and a non-compliance score has been applied (IR3C-Odour-C3).

Action 1: See Action 8 due 14/04/25.

Officers walked across surrounding fields and found evidence of litter that had been blown

by the wind / carried by birds from the landfill in fields to the south/ south-west of the landfill. NRW considers this to be a breach of permit condition 3.2 (IR3B-Emissions of substances not controlled by emission limits-C3) and a non-compliance score has been applied.

Following the inspection, NRW received confirmation from both the operator and land owner that the litter had been removed from the fields to the south/south-west of the landfill. However, NRW determines the root cause of this offsite litter to be a lack of appropriate measures in place to manage the size of the active tipping area to ensure it is kept to the smallest workable size and the application of adequate daily cover to reduce the potential for scavenging birds/ wind -blown litter. NRW considers this a breach of permit condition 1.1.1 (IR1A-General Management) and a non-compliance score has been applied. This score has been consolidated with additional breaches of condition 1.1.1 raised in this report.

Action 2: See Actions 3 & 5 due 28/04/25 and 14/04/25.

### Inspection findings

On arriving at site, officers were met by the Environmental Technician who accompanied them during the inspection.

Waste tipping operations continue to be carried out in the active cell to bring waste up to final levels. As stated in the 2024 Annual Report, the remaining void calculated following a topographical survey in October 2024 was 9,499m<sup>3</sup>, although it should be noted that the restoration contours used for the calculation were-pre-settlement.

The size of the tipping area remains very large and areas of exposed waste were visible. As highlighted following the Landfill Emissions Reduction Project (LERP) landfill gas audit in 2024, appropriate measures are not being implemented to manage the size of the active tipping area to ensure it is kept to the smallest workable size and reduce the potential for odours, wind-blown litter and the generation of increased volumes of leachate. This issue has been raised with the operator several times (see CAR\_NRW0045686, CAR\_NRW0045303 and CAR\_NRW0044179).

There is an Odour Management Plan (OMP) for the site (document reference 3033-CAU-XX-XX-RP-V-0303.A0-C3- July 2018), however, aspects of the OMP are not being followed with regards to the issues described above:

- Section 3.2.13 of the OMP states 'surface emissions of waste and landfill gas odours will be reduced by operating a small operational area and limiting the size of the operational area to the practicable minimum.'
- Section 3.2.14 of the OMP states 'Fugitive emissions of landfill odours will be further minimised by rapid containment of the completed landfill areas with temporary cap using cohesive material and a progressive capping of completed cells with engineering cap. All non-operational landfill areas (including flanks) will be covered with a suitable cover.'

NRW considers this a breach of condition 1.1.1 and a non-compliance score has been applied (IR1A-General Management-C2).

NRW considers the breach of 1.1.1 to be significant and the root cause of several issues detailed in this report.

Action 3: Provide NRW with a written plan to significantly reduce the size of the active tipping face to the smallest workable size and specify how this will be managed to reduce the potential for odours, wind-blown litter and generation of increased volumes of leachate. Any areas that will not be permanently capped within 6 months need to have temporary capping installed. Due 28/04/25.

Action 4: The OMP (document reference 3033-CAU-XX-XX-RP-V-0303.A0-C3- July 2018) needs to be updated to reflect current site operations. Provide NRW with an updated copy of the OMP. Due 23/06/25.

There was a stockpile of daily cover stored near the active cell. However, given the large size of the working face, the relatively small amount of daily cover present on site would not be enough to ensure the active cell is adequately covered at the end of the working day. The lack of daily cover has been raised with the operator on several occasions previously and it is imperative that the active cell is adequately covered at the end of each working day to reduce the potential for pollution.

The site Environmental Management System (EMS) document (reference Litter Management and Monitoring dated 23/06/21) states '3.5 -Provision of cover materials- The Site Manager will ensure there are adequate supplies of daily and intermediate cover material available at the installation.' NRW considers this a breach of permit condition 1.1.1 and a non-compliance score has been applied (IRIA-General Management). This score has been consolidated with additional breaches of condition 1.1.1 raised in this report.

Action 5: Ensure there is a quantity of suitable daily cover material stored on site that can be used to ensure adequate cover is applied over the entire active cell at the end of each day to reduce the potential for odours and litter. Provide a written update to NRW confirming what measures have been put in place to ensure an adequate supply of daily cover is available on site. Due 14/04/25.

Officers observed a steady flow of leachate running from the active tipping cell to the drainage ditch at the toe of the cell. The odour from this leachate was at intensity level 3- distinct odour, at this time. This issue has arisen due to rainwater infiltration on the uncapped cell and is a result of the large size of the tipping area and lack of appropriate measures described previously. NRW considers this a breach of permit condition 1.1.1 and a non-compliance score has been applied (IRIA-General Management). This score has been consolidated with additional breaches of condition 1.1.1 raised in this report.

Action 6: See Action 3. Due 28/04/25.

There was a significant amount of wind-blown litter visible around the north / eastern flanks

and the southern perimeter. Although this litter was within the site boundary, officers observed evidence of litter outside the boundary as stated at the beginning of the report. NRW determines the root cause of this litter to be a lack of appropriate measures in place to manage the size of the active tipping area to ensure it is kept to the smallest workable size and the insufficient application of daily cover which is discussed earlier in the report.

NRW considers this a breach of permit condition 1.1.1 and a non-compliance score has been applied (IRIA-General Management). This score has been consolidated with additional breaches of condition 1.1.1 raised in this report.

Officers observed site staff litter picking but due to the large amount on site, this process was progressing slowly and risking further emission outside of the permitted area.

Following the site inspection, the operator provided NRW with a copy of the 'litter tracker' which they have recently implemented. The purpose of this tracker is to designate areas of responsibility for each staff member and set weekly targets for litter collection.

Action 7: See Actions 3 & 5. Ensure site staff continue to pick litter in line with the 'litter tracker' and site procedures. Due 28/04/25 and 14/04/25.

Officers detected landfill gas odours while walking across the active tipping cell. Site staff were in the process of checking landfill gas infrastructure and raising the height of some wells. Strong landfill gas odours were detected near GW326 and this gas well was lying at an angle between approximately 60 and 45 degrees. This suggests that it has been struck/damaged by a vehicle on site or sunk due to increased subsidence, resulting in increased landfill gas emissions from this well. This issue was raised with site staff on site who said they would fix it immediately.

At the time of the inspection, the issue with GW326 along with ongoing issues raised during the LERP audit (lack of capping, ongoing repairs to landfill gas infrastructure) was considered to be responsible for the landfill gas odours detected outside of the site boundary.

NRW considers this a breach of permit condition 2.10 and a non-compliance score has been applied (IR2K-Landfill gas management-C3).

Action 8: Provide NRW with a written update detailing what measures have been put in place to resolve the issues with GW326 and reduce the potential for landfill gas emissions. Due 14/04/25

Waste compost remains stored on top of the landfill cap. This compost was originally moved here in 2022 with the intention of using it as part of the restoration of the landfill. NRW agreed to the use of this compost as specified in CAR\_NRW0040005. Capping & restoration works have not progressed. This issue was highlighted during the previous site inspection (see CARNRW\_0045686 Action 2). Going forward, this will be scored as a

permit breach and relevant non-compliance scores will be applied.

Action 9: Confirm in writing your intention to utilise this compost as part of agreed restoration works or daily cover within the next 3 months or remove from site. Due 28/04/25.

#### Action plan to address recommendations following LERP audit

Following the LERP landfill gas audit in 2024, the operator provided NRW with a Landfill Gas (LFG) Action Plan to address recommendations raised during the audit (provided 06/12/24 and update provided 31/01/25).

The operator continues to complete actions within the LFG Action Plan and they provided an update on improvements to gas & leachate infrastructure (FID progress report) on 28/02/25. However, there is no detail in the Action Plan specifying how the operator will ensure the active cell is kept to the smallest workable size.

Action 10: See Action 3. Update the LFG Action Plan with the measures proposed to address Action 3. Due 28/04/25.

The Action Plan lacks detail with regards to the installation of permanent capping and restoration of areas already capped. The Action Plan states that they are planning to meet with environmental consultants to discuss the existing capping CQA in Q2. As discussed in the LERP audit CAR (CAR\_NRW0045303), permanent or temporary capping needs to be installed on any area of the site that won't be part of landfilling waste disposal activities in the next 6 months.

With reference to CAR\_NRW0045841, there seems to be some confusion between the operator and environmental consultants regarding which areas of the site benefit from permanent capping, temporary capping and those that remain uncapped (see Action 1 in CAR\_NRW\_0045841). NRW have not yet received the updated capping plan as requested in CAR\_NRW0045841.

Action11: Provide NRW with an updated capping plan for the site. This should include quantified areas of the site that are covered by permanent capping, temporary capping and those that remain uncapped. Due 28/04/25.

Action 12: Provide NRW with an up to date phasing plan that includes reasonable deadlines for the installation of permanent capping for areas of the site that are not permanently capped. Provide reasonable deadlines for the completion of restoration on areas that have been capped. For areas that will not be permanently capped within the next 6 months, provide reasonable deadlines for installation of temporary capping. Due 28/04/25.

It should be noted that NRW reviewed and agreed to the amendments in the consolidated Construction Quality Assurance (CQA) plan for permanent capping Document Reference:

3761.CAU.XX.XX.SP.Y.7700.A(5) February 2022

in CAR\_NRW0039532 dated 04/03/22.

Any areas of proposed temporary capping will require separate CQA plans and CQA validation reports that must be submitted to NRW in line with permit condition 2.6- Landfill Engineering.

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.