

Compliance Assessment Report CAR_NRW0049091

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: Audit,

Reason: Routine.

On: 22/07/2025 between 13:30 and 16:40.

Parts of permit assessed: Waste acceptance.

NRW Lead Officer: Kathryn Bradshaw, accompanied by Jamie Blythin.

Report sent to: Site Manager, Site Manager, on 21/08/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2H - Installations - Operations - Waste acceptance (only applicable to landfill)	C2 Significant	2.7.1 (g) & 2.7.9
IR1A - Installations - Management - General Management	C2 Significant	1.1

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

Total non-compliances recorded	Total non-compliance score
2	62

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
IR2H	Review and update the waste acceptance procedure	29/09/2025
IR1A	Provide the details and qualifications of the site's Technically Competent Manager and current responsibilities	01/09/2025

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) has been raised following a detailed waste acceptance audit. The waste acceptance procedure (EMS-10-04 Issue 3) was used as a reference during the audit.

The following information was requested from the operator based on the re-submitted waste returns for Q1 to Q4 2024 (See CAR_NRW0045942):

- Waste Transfer Notes
- Copies of the waste acceptance verification including any sampling and testing reports either from the waste producer or the site.
- Routine sampling and testing reports of the waste types as per Section 3.2 Level 2 Compliance testing and Section 4.12 Sampling Plan, of your waste acceptance procedure.

A summary of the waste types and local authority area accepted in 2024 is shown in the table below:

Liverpool	191212	Other wastes from mechanical treatment of wastes other than those mentioned in 19.12.11	D05.02 Non hazardous waste landfill
Powys	191212	Other wastes from mechanical treatment of wastes other than those mentioned in 19.12.11	D05.02 Non hazardous waste landfill
Powys	170107	Mixed Inert	D05.01 Inert waste landfill
Gwynedd	191212	Other wastes from mechanical treatment of wastes other than those mentioned in 19.12.11	D05.02 Non hazardous waste landfill
Merseyside	191212	Other wastes from mechanical treatment of wastes other than those mentioned in 19.12.11	D05.02 Non hazardous waste landfill
Powys	170506	Canal dredgings	D05.01 Inert waste landfill

The information was requested on 13th March 2025 with a deadline of 14th April 2025. An extension was requested and granted on 6th May 2025 to submit the information by 14th May 2025. The information was submitted on 13th May 2025. Waste pre-acceptance information was requested for Merseyside 19 12 12 as this was missing from the initial

submission. An email reply was received on 16th May that stated the following;

I am out of the office but the mech treated we had from them was derived from a 20 03 01

Information on this waste producer was subsequently submitted following the unannounced site inspection (CAR_NRW0049070). Further details on this waste producer can be found below.

The waste acceptance procedure (EMS-10-04 Issue 3) states the following in Section 3.1:

*In order to ensure auditability, all waste producers wanting to bring waste into Bryn Posteg Landfill site will complete the **Pre-Acceptance Form** (Appendix 1) and gain approval from the Potter Group Technical Manager or the Environment, Health and Safety Compliance Manager prior to arriving on site. The Technical Manager holds a Master's degree in Environmental Technology and the Environment, Health and Safety Compliance Manager holds a Master's degree in Environmental Biology and a Bachelor's degree in Biological and Biochemical Sciences; therefore, these individuals are considered to be suitably qualified to provide approval and review of the basic characterisation and compliance testing results.*

The pre-acceptance form was not provided for any of the waste producers for wastes accepted to site during 2024. The above also references which job roles have the authority to approve incoming waste to the site. However during an unannounced site inspection on 22nd July 2024 (See CAR_NRW0049070) the site manager informed us that the procedure was out of date and these job roles no longer exist within the business. Instead the site manager approves the waste types and amounts that can be accepted to site. No summary document was provided to demonstrate a record of the sampling and interpretation of the data and approval of the wastes to be disposed at the site.

In Section 3.2 Compliance Testing in the procedure it states the following;

- 1. Where the waste is on the list of wastes not requiring testing contained within Natural Resources Wales' Regulatory Guidance Note on Interim Waste Acceptance Criteria and Procedures or its successor (e.g. municipal waste, glass, glass based fibrous materials, concrete, bricks, tiles and ceramics, soils and stones including naturally occurring sand and clay) or where basic characterisation has classified the waste as an absolute non-hazardous entry in the European List of Waste. This exclusion would not apply where there is the possibility that the waste has been contaminated during previous use, production, storage or transport;*

The NRW Regulatory Guidance Note referred to no longer exists and needs to be removed from this procedure.

The site manager explained during the inspection that they take the samples and send them to a UKAS accredited laboratory for analysis (Normec DETS Limited). These analyses are then forwarded to a different company (Decus Research Limited) to complete a hazardous waste assessment and classification for the samples on behalf of the site. This process needs to be formalised into the waste acceptance procedure.

In reference to the table above information was provided for the following waste producers;

Liverpool 19 12 12 Other wastes from mechanical treatment of wastes other than those mentioned in 19.12.11 and Merseyside 19 12 12**Waste producer = Green Recovery Ltd**

An annual waste transfer note (WTN) was provided for this waste producer. No basic waste characterisation provided. No assessment/interpretation of test results were provided.

The only sampling and testing information supplied for this waste producer was in relation to fraction size and calorific value of the waste, which was described as refuse derived fuel on the test reports. These are insufficient for a waste classification and assessment to be made on the mirror non-hazardous waste code of 19 12 12. Evidence should have been provided to confirm the waste is non-hazardous. A waste assessment must be completed prior to removal from the place of production in line with WM3 (Guidance on the Classification and Assessment of Waste) and in order for it to be classed as non-hazardous. If the waste is refuse derived fuel (19 12 10) that has been/being accepted this needs to be recorded on the waste returns.

A weighbridge ticket (11996) from 18th -19th May 2023 was provided, as part of this audit, for this waste producer. The ticket states the waste received was 7280 tonnes of 20 03 01 waste. This waste is not on the submitted waste returns for Q2 2023.

An audit was undertaken by the site on this waste producer in 2023. The audit report stated that the site does not test outgoing wastes. Therefore if the producer cannot provide evidence of the waste classification and assessment the site is required to test this waste stream to confirm the waste code and non-hazardous classification is correct as the site is not permitted to accept any hazardous wastes under the current permit conditions.

Powys 19 12 12 Other wastes from mechanical treatment of wastes other than those mentioned in 19.12.11**Waste Producer = Potters Yard, Welshpool**

Laboratory reports were provided for this waste producer but no assessment/interpretation record was submitted to demonstrate the results had been analysed and deemed to be acceptable and non-hazardous to enable it to be deposited at the site as 19 12 12. No basic waste characterisation provided. It was not clear from the description of the samples which laboratory testing related to this waste type.

Powys 17 01 07 mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06.**Waste Producer = Potters Yard, Welshpool**

17 01 07 is a mirror non-hazardous waste code. Laboratory reports were provided for this waste producer but no assessment/interpretation record was submitted to demonstrate the results had been analysed and deemed to be acceptable and non-hazardous to enable it to be deposited at the site. No basic waste characterisation provided. Some of the lab reports described the samples as 'inert' so the presumption is made that it relates to this waste type.

Gwynedd 19 12 12 Other wastes from mechanical treatment of wastes other than those mentioned in 19.12.11**Waste Producer = Gwynedd Skips**

Laboratory reports were provided for all the testing completed on this waste stream. No basic waste characterisation provided. No assessment/interpretation record was submitted to demonstrate the results were reviewed and acceptable to be deposited at the site. Hazardous waste assessments were provided for some of the sample results, however the assessments were only completed on 12th May 2025 for all samples taken during 2024.

The following laboratory reports did not provide a full analysis and a hazardous waste assessment was not completed:

04-Nov-24	24-23691
20-Dec-24	24-27888
19-Feb-24	24-03463
31-Jul-24	24-15868

Loss on Ignition (LOI)

We have reviewed the analysis results carried out by Normec DETS Limited. The supplementary information provided on the later pages of each analysis report describes that there was insufficient amount of sample collected for most LOI fines analysis that was completed. HMRC's Landfill Tax (Qualifying Fines) (No. 2) Order 2015's guidance, defines a minimum sample size of at least 1 kg of dried fines must be collected to ensure representativeness and accuracy. This is also confirmed in most reports where less than 1kg has been provided to Normec DETS Limited, the results have not been interpreted fully.

Powys 17 05 06 Canal dredgings**Waste Producer = Esbford Environmental**

Laboratory reports and a benefit statement were provided for this waste producer. No assessment/interpretation record was submitted to demonstrate the results were reviewed and approved to be deposited at the site. No basic waste characterisation provided.

On 22nd July 2025 during an unannounced site inspection we visited the weighbridge to check if the site was following the procedures as set out in EMS-10-04 Issue 3. No loads arrived during the inspection and a full audit of the on- site procedures could not be undertaken. Loads had been accepted prior to our visit and the weighbridge system was viewed which showed that 5 loads of 19 12 12 waste had been accepted from Gwynedd Skips.

Paper waste transfer notes (WTN) were also viewed for each load, however no specific weight was recorded in section A3 of the WTN it only stated up to 26 tonnes per load. In Section D the date of transfer stated 01.01.25 to 31.12.25 and none of the WTN's were

signed by the transferee.

As no loads were tipped during the site inspection, Section 3.3, Level 3 On-Site Verification of Wastes in EMS-10-04 Issue 3 could not be audited but will be checked during future inspections. Site staff were asked how it is flagged if the waste requires any compliance sampling, it was stated that the Site Manager looks after all of the sampling.

The site was requested to provide a copy of the sites waste sampling procedure and the job titles of who is trained and competent to undertake the sampling at the required intervals as stated in EMS-10-04. The site manager replied with the below email:

Samples are taken following the methodology detailed in the Excise Notice LFT1: a general guide to landfill tax along with advice and guidance contained within PD CEN/TR 15310-2:2006, PD CEN/TR 15310-3:2006 and PD CEN/TR 15310-4:2006. For each waste stream, samples are taken from six points across different parts of the waste, ie. top, middle and bottom. These six sub-samples are mixed together to create a composite sample, from which two representative 1kg samples are collected for each waste stream. These samples are placed into a fit for purpose plastic tub with a sealable lid. A chain of custody is written up by the Potters (Midlands) Ltd. representative. One of the collected samples, with the chain of custody document, is collected by a courier and taken to the chosen laboratory for testing, the second is stored on site in our sample store for 3 months. Samples stored on site when awaiting collection or during the 3-month storage are stored in a locked, dedicated storage container that ensures the samples will not become contaminated or deteriorate unduly.

The training for sampling was carried out in house at potters midland and as it was not an out sourced recognised training plan there is no record.

The sampling process will be audited during future inspections.

The following issues were noted during this audit;

- The waste acceptance procedure (EMS-10-04 Issue 3) is not being followed on site, job roles referred to no longer exist and it refers to an out of date Regulatory Guidance Note.
- Compliance testing and sampling appears to be ad hoc without following a set plan following weights of loads as detailed in the procedure. Not all samples have been analysed for all testing parameters.
- The sampling plan detailed in EMS-10-04 Issue 3 does not demonstrate a clear or compliant approach to Level 2 (compliance) and Level 3 (on-site verification) testing.

These elements are critical for ensuring that waste accepted at the landfill continues to meet the conditions of acceptance and that any changes in waste composition are detected and managed appropriately.

For the compliance testing there is no reference to how the basic characterisation (level 1) testing informs the the appropriate frequency and scope of sampling. This should be clearly defined for specific producers and a clearly defined methodology

needs to be written out for compliance testing.

The on-site verification procedure (level 3) lacks key elements required for effective on-site verification. For example it does not define criteria for visual inspection or what would constitute a non-conformance. There is also no escalation process from visual to chemical testing and how this is to inform future waste acceptance decisions.

Sampling must also be carried out by individuals who are trained and competent, with their training properly documented which should form part of the sampling plan. Furthermore, the type of container used for sampling must be clearly defined, as different analyses and target components require specific pots to preserve sample integrity; we would expect to see a clear plan provided that specifies which container is appropriate for each type of analysis.

Moving forward the requirements stipulated in Appendix D of WM3 and BS EN 14899:2005 should be referred to in more detail to ensure an accurate and compliant sampling plan is provided.

- The hazardous waste assessment and classifications for Gwynedd Skips 19 12 12 waste were all undertaken on 12th May 2025, a significant time after waste had been sampled and deposited in 2024. Therefore the waste had not been assessed by any technically competent manager before this date. This long delay could lead to potentially hazardous waste being deposited and buried in the landfill which would make it difficult to retrieve if the waste was deemed hazardous and the potential to have long lasting impacts to the environment.
- The person who has undertaken the hazardous waste assessment on behalf of Decus Research Ltd has not carried out the required minimum training in order to run the report on HazWasteOnline. Review of the reports has demonstrated non-conformities in the use of the system that would likely have been avoided if the person had been certified in the use of the system. HazWasteOnline training must be completed to attain certification as a minimum requirement for NRW to approve any classification decision by Decus Research (or any other consultancy operating on behalf of Sundorne Products Ltd) using HazWasteOnline.
- A basic waste characterisation, presumably the document referenced in the waste acceptance procedure – ‘pre-acceptance form’ (Appendix 1) has not been provided for any of the waste producers. This could lead to potential misclassification of waste and breaches of the Environmental Protection Act 1990.
- No evidence was submitted to demonstrate that a competent person had reviewed and approved the wastes prior to acceptance at the site.
- The waste acceptance procedure is dated 01/04/21 (Issue 3) and it is concerning as to when this procedure was last adhered to and reviewed. Therefore it raises serious questions about the management of waste acceptance and record keeping at the site since this date. This is reflected in the scores as it has the potential to have a serious and extensive impact on the environment.
- No procedure in place which details how to complete waste returns to comply with the permit

Permit condition 2.7.1 (g) states;

Wastes shall only be accepted for disposal if:

(g) all the relevant waste acceptance procedures have been completed,

Permit condition 2.7.9 states;

The operator shall maintain and implement a system which ensures that a record is made of the quantity, characteristics, date of delivery and, where practicable, origin of any waste that is received for disposal or recovery and of the identity of the producer, or in the case of municipal waste and multiple collection vehicles, of the collector of such waste. Any information regarded by the operator as commercially confidential shall be clearly identified in the record.

Insufficient information has been provided for some of the waste producers on the characteristics and origins of the waste. There appears to be no system formally incorporated into the site EMS to record all the necessary information for wastes received for disposal or recovery and if they qualify for the lower rate of landfill tax. This means that potentially inaccurate waste returns and other records have been/being submitted.

A score against these permit conditions has been applied;

IR2H Waste Acceptance C2

The root cause of these issues is a lack of effective management of the site and not having sufficient competent persons or resources to assess incoming wastes, keep accurate records including waste returns, and ensure procedures are updated to reflect current operations.

A score against permit condition 1.1 has been applied;

IR1A General Management C2

We are considering our enforcement response to the category 2 scores.

Actions Required

Review and update the waste acceptance procedure and submit to NRW by 29th September 2025

Provide the details and qualifications of the site's Technically Competent Manager and current responsibilities by 1st September 2025.

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.