

Compliance Assessment Report

Report ID:
CAR_NRW0034800

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

Site	Bryn Posteg Composting Facility	Permit Ref	CB3834RQ			
Operator/Permit holder	Sundorne Products (Llanidloes) Ltd					
Regime	Waste Operations					
Date of assessment	19/02/2019	Time in	10:40	Out	12:52	
Assessment type	Audit					
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	13/03/2019			

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
A1 - Specified by permit	C3	2.4.1
B4 - Infrastructure - Containment of stored materials	C2	3.1.1, 3.1.1
C1 - General Management - Staff competency/training	C2	1.1.1 (b) (a)
E2 - Emissions - Land and groundwater	C2	3.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.3
	C3	4.2.2

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	6	Total compliance score (see section 5 for scoring scheme)	105
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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

The main purpose of the visit was to undertake an inspection and to assess progress in relation to matters raised with the operator in previous inspections before Christmas. The following observations, discussions and breaches of permits were noted during the visit.

Regulatory officers met with Tony Webber whilst on site and a brief summary of our main observations noticed during the inspection was raised with him.

E2 – Emissions to land

It was noted that the leachate tank for the composting pad was still full and overflowing to ground despite NRW raising this as issue and as a breach of permit condition during previous inspection (see photograph 1),



Photograph 1

In addition to this there was a concerning volume of contaminated water that had accumulated within an earth banked area north of the composting pad. As previously explained to regulatory officers, this is surface water mixed with fire water runoff, effluent from composting pad and also effluent from the composting effluent tank which is overflowing (See Photograph 1). This appeared very concentrated during the visit indicating that it would be significantly contaminated. Please see in photographs 2 and 3



Photograph 2

Photograph 3

The scale of the contaminated water accumulating within this banked area can be seen in photograph 4 below.



Extent of contaminated effluent accumulating behind earth banked area.

Photograph 4

Condition 3.1.1 of the permit stipulates that emission of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in Table 3.1 of permit have been taken.

This condition has been breached due to the emissions of composting leachate to ground and also large volumes of composting runoff and fire water accumulating in the earth banked area on site.

It is also worth noting that appropriate measures have not been taken to ensure that the contaminated water has been contained appropriately.

A **CCS Score 2** has been applied on this occasion due to the volume involved and the fact that this has now been occurring for a significant amount of time with minimal effort taken by the operator to alleviate the impact. This non-compliance is viewed as an issue that could foreseeably result in a significant pollution.

ACTION 1.

As highlighted in previous actions in CAR forms sent to the operator, due to the contamination sources (Fire water runoff and compost leachate) within the earthed banked area, the water should be viewed as contaminated and be disposed of appropriately. This should be actioned immediately. The operator should provide NRW with supporting documentation of where this contaminated water has been disposed. No response has been received by the operator in regards to this matter and therefore this information has now requested in a notice.

ACTION 2.

It was evident that this effluent tank has not been emptied despite NRW raising it an issue during previous inspections. Actions were brought to the operators attention following previous inspections regarding this issue which the operator has not responded to. This has now resulted in NRW issuing an enforcement notice requesting this information.

ACTION 3 In the interim the operator should empty this leachate tank immediately and notify NRW of when this has been completed.

ACTION 4 Operator to provide a detailed response explaining what measures they will be taking on site to comply with condition 3.1.1 of the permit to ensure that no further escape of leachate and composting runoff is occurring to ground. Please respond no later than 9th April 2019.

B4 – Containment of stored materials

The effluent tank for the composting pad is without secondary bunding. Condition 3.1.3 requires all liquids in containers, whose emissions to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container. Condition 3.1.3 is therefore breached.

ACTION 5 A previous action was sent to the operator requesting to provide details of how the operator will ensure secondary containment around this tank. No response has been received and therefore this information is now requested in a notice.

It is also of concern that there is a pathway for runoff from the front of the pad to flow to ground and out of the permitted area which is contributing to the large volume of contaminated water accumulating behind the earth banked area

All the areas associated with the storage, physical treatment, composting and maturation of waste shall take place on an impermeable surface with sealed drainage system as required by condition 3.1.1.

ACTION 6 A previous action was sent to the operator requesting the operator to demonstrate how they will ensure compliance with the above. No response has been received and therefore this information has been requested in a notice. Due to a breach of permit condition 3.1.3 and 3.1.1 noted above a **CCS score of 2** is applied on this occasion (consolidated).

G4 – Reporting and notification

Smoke was observed deriving from the compost on site (Photograph 1) and it was evident that there was a hotspot smouldering within the northern side of the stockpile (closest to the MRF). Operator were dousing this hotspots during the time of the visit (see photograph below).



Photograph 5

ACTION 7

NRW are concerned about the fact that this smouldering keeps on occurring within the composting facility, the operator should investigate the root cause of these incident to avoid similar incident occurring in future and feedback to NRW its findings no later than 9th April 2019. In the interim the operator must keep NRW regularly updated on this matter.

NRW were not informed of this incident as required by permit requirements 4.3.

Please note that permit condition stipulated that the NRW should be notified without delay of the detection of failure of techniques, accident or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution.

As NRW were not informed of this incident, a **CCS score of 3** is applied under condition 4.3 of the permit. NRW has received no notification updates in relation to emission of substances which is occurring from some of the other continual breaches of permit conditions occurring on site, some of which may cause significant pollution.

ACTION 8 a) – Operator to follow this smouldering incident with a schedule 5 notification no later than 29th March 2019.

As previously raised, our records indicate that the operator have not supplied any information in regard to waste accepted and removed from site since those relevant to Q4 2017. No response has been received by the operator in regards to this matter and therefore this information has now been requested under a notice

Condition 4.2.2 of the permit is therefore breached and a **CCS score of 3** is applied.

ACTION 8 b) Please forward all of the 2018 information as stipulated in the

A1 – Specified by permit - Contaminated oversized green waste

Condition 2.4.1 of the permit stipulates that the activities shall not extent beyond the site, being land shown edged green on the site plan attached to the permit.

An apparent unauthorised deposit of oversized un screened green waste was noticed on the capping of the landfill which is not within the permitted boundary of this permit (Photograph 6). This is a breach of permit condition 2.4.1 mentioned above and could also be viewed as a contravention of the suspension notice currently in place for the landfill operation. A CCS score of 3 is applied.



Photograph 6

ACTION 8

NRW requested information in regard to this matter but no response has been received. This has resulted in an enforcement notice being issued to the operator requesting for this material.

C1- General Management – Staff competency/ training

Permit condition 1.1.1 (b) stipulates that the operator shall manage and operate the activities in accordance with a written management system and using sufficient competent persons and resources. The permit breaches noted in this compliance assessment report form raise concerns about the awareness of permit conditions, management systems and associated procedures and plans, by the directors and relevant site personnel. There appears to be a lack of understanding on several aspect of the permit requirements and a failure either to follow relevant procedures or have adequate procedures in place resulting in several breaches of permit conditions and pollution of environment, examples include:

- No secondary containment to composting leachate tank
- *Unauthorised discharge to ground of fire water contamination and leachate effluent
- Management of compost leachate within leachate storage tank.
- Failure to notify Natural Resources Wales.
- *Lack of actions being taken to respond to previous actions in CAR forms
- * Lack of actioning by relevant site staff on site to breaches of permit previously brought to the operators attention
- Failure to take measures necessary to limit the environmental consequence of incidents and take measures necessary to prevent further possible incidents or accidents
- *Unauthorised deposit of waste beyond site boundary

It is also concerning that such large volumes of green waste /compost is currently stored on the pad and the fact that its inappropriate management is likely to be contributing factor to other breaches of permit such as compost being stored at unauthorised locations and elevated temperatures and the smouldering etc. Observations raises concerns on the operator familiarity on operating procedures for managing the composting process.

Also crucial and important information has not been forthcoming by the permit holder (despite NRW requesting some of this information numerous times), these relate to on going permit breaches noted by NRW. It is disappointing and concerning that NRW has to request this information through an enforcement notice.

As a result of all the concerns noted above and the number and severity of the permit breaches a **CCS score of 2** has been applied on this occasion under condition 1.1.1 (b)

The operator has confirmed that Tony Webber is the technically competent manager at Bryn Posteg Landfill. It has been drawn to our attention that from the certificates provided by the operator, Tony Webber's continuing competency expired in March 2018 this could be viewed as another root cause of issues noted on site.

You confirmed on the 11th March 2019 that Anthony (Tony) Webber renewed his Continuing Competence Certificate on the 22nd February 2019 (11 months after expiry). NRW is still investigating this issue and if applicable, any further permit breaches may be assigned in future.

ACTION 9

Operator to respond formally (signed by responsible company director) explaining what actions will be taken by the operator to ensure that the overarching management on site is sufficient to manage on going breaches of permit and to improve compliance on site and to ensure that actions are addressed by the operator and communicated back to NRW within a timely manor. Please respond no later than 9th April 2019.

Management Systems

Due the nature of the breaches noted today and during previous inspections, NRW consider that the EMS is inadequate to ensure full compliance with permit conditions and fails to minimise the risk of pollution, including those arising from the operations. Maintenance, accidents, incidents, non-conformances etc.

Amongst some of the sections that need to be included / amended within the EMS (but not limited to) are the following

- Material acceptance, storing and handling
- Site drainage, containment and bunding
- Site checks/records/maintenance
- Reporting and notification
- Accident management plan
- Staff training

As a result, a CCS score of 3 is applied under condition 1.1.1 (a) which on this occasion is consolidated with the above score.

ACTION 10 As requested in a recent enforcement notice served by NRW, the operator is to review, amend and update the EMS (Operating procedure) accordingly and forward a revised copy not later than 29th March 2019.

Other observations

It was noted during the visit that improvements had been undertaken to the stockpile of compost pad. Although there still remains work to be done, there did appear to be more distinctive differentiation between batches and windrows during this inspection (See photograph 4 below).



Photograph 7

EPR Compliance Assessment Report

**Report ID:
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Site	Bryn Posteg Composting Facility	Permit Ref	CB3834RQ
Operator/Permit holder	Sundorne Products (Llanidloes) Ltd	Date	19/02/2019

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 Actions in CAR form	09/04/2019
A1	C3	See action in CAR form	09/04/2019
G4	C3	See actions in CAR form	25/03/2019
B4	C2	See actions in CAR form	09/04/2019
G4	C3	See actions in CAR form	09/04/2019
E2	C2	See Actions in CAR form. Some of these require IMMEDIATE action	09/04/2019

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.