

Compliance Assessment Report

Report ID:
CAR_NRW0035579

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	12/08/2019	Time in	00:00	Out	00:00	
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	20/08/2019			

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
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	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	2	Total compliance score (see section 5 for scoring scheme)	35
-----------------------------	---	--	----

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;

- 19 05 99 – fines are recorded as being accepted on site. The permit does not allow the acceptance of this material. It has been confirmed by the operator during a subsequent conversation that this should be green waste.
- There seems to be over 7000 tonnes of 19 07 03 removed from the composting pad which looking at E.W.C catalogue is landfill leachate? Is this an error?
- There is no record of waste compost being removed (which might be linked to the above point)
- No record of composting effluent disposal from the composting effluent tank on site. The operator has subsequently confirmed that this material has been spread on restored areas of the landfill with no records. The receiving site (Permit BU7766IC) was also not permitted to accept it.
- No record of oversize material removed off site (which has been witnessed on the landfill cap- Permit BU7766IC)

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

Waste returns are inaccurate and have failed to include critical information (examples but not limited are mentioned above and in previous e-mail correspondence with the operator.) As a result, there is a breach of permit condition 4.2.2. A CCS score of 3 is noted.

Action 1: Waste Returns should be quality assured and re submitted accordingly no later than 30th August 2019.

C1 – Staff Competency and training

The waste returns submitted to NRW have raised concerns on accuracy. The lack of awareness of permit conditions and the scrutiny around waste data being recorded on waste returns by relevant staff personnel has led to other breach of your permit. It has also led to breaches under the landfill permit reference BU7766IC (Please refer to CAR CAR_NRW0035577). These include storing large volumes of waste on capping infrastructure, maturation and stabilisation of compost and spreading liquid waste on areas of restored landfill all of which are contrary of the landfill permit.

It has also led to other breaches of relevant legislation such as EPA 1990 (Section 33 - unauthorised deposit and disposal of waste, and Section 34 - Duty of care as there has been no record of certain waste material being removed from the composting pad such as contaminated water from the leachate tank.

Due to the severity of the breaches of permit and associated relevant legislation coupled with the potential of significant environmental impact relating to these breaches and offences a CCS Score of 2 has been applied on this occasion under permit condition 1.1.1.

Action 2 – 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).

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

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035579**

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	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			
G2	C3	See Action 1	30/08/2019
C1	C2	See action 2	20/08/2019

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.