

Compliance Assessment Report

Report ID:
CAR_NRW0035264

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	16/05/2019	Time in	11:00	Out	14:15
Assessment type	Audit				
Parts of the permit assessed	All below				
Lead officer's name	Ellis, Rhys				
Accompanied by	McClymont, James				
Recipient's name/position	David Williams / Tony Webber/ Technical manager/Site manager	Date issued	23/08/2019		

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
B4 - Infrastructure - Containment of stored materials	C2	3.1.1 and 3.1.3

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	1	Total compliance score (see section 5 for scoring scheme)	31
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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

16th May 2019.

Regulatory officers met with David Williams whilst on site.

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 inspection dated 19th February 2019. The following observations, discussions and breaches of permits were noted during the visit.

Please note: There has been a delay in the issue of this CAR form due to the ongoing discussions regarding the non-compliances noted on this permitted facility, some of which were discussed in a meeting at the Buckley Office on the 2nd July 2019, subsequent visit to site on the 24th July 2019 and subsequent written correspondences.

E2 – Emissions to land

The compost leachate tank appeared to have spare capacity and was not overflowing. The previous area that was ponding with contaminated water was dry today.

There still remains to be issues regarding secondary containment and general containment issues that pose significant risk to Land which will be discussed further below.



Photograph 1 – Compost effluent tank not overflowing and appeared to have spare capacity



Photograph 2 – Previous area that was ponding with contaminated waste now dry.

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.

It is also of concern that there still remains to be a pathway for contaminated runoff from the front of the pad to flow out of the permitted area which has in the past contributed to a large volume of contaminated water accumulating behind the earth banked area which would be deemed an unauthorised discharge to ground. 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.

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).

The operator in recent correspondence (1st August 2019) provided a response to the on going issues associated with containment detailing what improvements are proposed to the current infrastructure to resolve some of these non-compliances.

Action 1:

Please could you keep NRW updated in regard to this matter and provide anticipated timescales for the work including details of the final design. Please respond no later than 12th September 2019.

Action 2:

It was also discussed that due to the location of the proposed new tank and associated pipework a permit variation will be required. Please can the operator provide timescales for the submission of a permit variation. Please respond no later than 12th September 2019.

The operator also on the 1st August 2019 forwarded the Standard operating procedure and associated daily checklist for the composting Pad to NRW for comments. Amongst the areas covered by this daily check sheet is compost leachate level within the tank. NRW responded to the operator with comments on the procedure and checklist which the operator advised they will consider.

In the interim the daily checks on the composting tank should be implemented immediately to avoid further breaches of permit and records kept for auditing purposes.

Inspection/site meeting – 24th July 2019.

This CAR form also covers the visit undertaken on site on the 24th July 2019 where discussions were held on site with Deborah Hall regarding the ongoing non-compliances associated with the infrastructure on site. The continual non-compliance noted above were still evident on site.

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EPR Compliance Assessment Report

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Site	Bryn Posteg Composting Facility	Permit Ref	CB3834RQ
Operator/Permit holder	Sundorne Products (Llanidloes) Ltd	Date	16/05/2019

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			
B4	C2	See Action 1 and 2	12/09/2019

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.