

Compliance Assessment Report

Report ID:
CAR_NRW0035855

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	25/09/2019	Time in	09:00	Out	17:00
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	25/10/2019		

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
B1 - Infrastructure - Engineering for prevention and control of emissions	C2	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

A brief visit was undertaken on the composting pad.

B1- Engineering to control emission

It was encouraging to see that the operator has now extended the bund on the composting pad in order to contain contaminated water within the facility (Photograph 1). Other measures have also been undertaken such as improving containment of contaminated water and leachate within phase 9 to prevent it entering the pad. It was agreed that some of this work was temporary solutions. It was discussed that to ensure full compliance with the permit the operator would look into long term solutions/infrastructure in regards to containment issues on the composting facility and undertake a detailed inspection on the overall infrastructure to establish if any other areas need attention (for example we discussed the infrastructure on northern end of the facility) .

ACTION 1. Operator to undertake a detail investigation and inspection of the composting facility and provide a report on the current state of the facility and details of long term improvement that will be implemented to ensure full compliance with the permit. This to be forwarded to NRW no later than **22nd November 2019**.

ACTION 2: It was agreed that the operator would provide details of the tank which will be installed for the compost effluent , including details of timescales for the installation of this. Please provide an update in regards to this matter by **8th November 2019**.

As the effluent tank for the composting pad remains to be without secondary containment, Condition 3.1.3 is still breached. This condition 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. A **CCS Score of 2** is therefore applied.

Due to the temporary works undertaken with the bund no score will be applied under condition 3.1.1. However please note that this will be reviewed in future if no long term solutions are implemented on site.

C1- Management

You advised that a new member of staff will be allocated for the everyday running of the composting pad which is encouraging to hear.

Due to the combination of recent improvement noted on site, the implementation of the daily checklist and associated standard operating procedure for the composting pad tank and the proposal from the operator to install a bunded effluent tank on site , no scores will be applied under this criteria on this occasion providing that the operator continues working on these improvements and the relevant actions are taken within a timely manner (including those highlighted above).

However, this position might change should further evidence comes to light or if relevant actions are not taken by the operator.

Please note: In addition to safeguarding the environment, addressing the on going non compliance in relation to the secondary containment before end of the year would prevent the accumulation of CCS 2 breaches for next years compliance record which significantly effects compliance banding and subsequent fees.



Photograph 1

EPR Compliance Assessment Report

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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			
B1	C2	Secondary containment to be provided. Refer to actions in CAR form	08/11/2019

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.