

Compliance Assessment Report

Report ID:
CAR_NRW0036059

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

Site	Bryn Posteg Landfill	Permit Ref	BU77661C		
Operator/Permit holder	Sundorne Products (Ilanidloes) Ltd				
Regime	Installations				
Date of assessment	11/12/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	1.1, 2.7.1, 3.1, 3.7, 4.1, 4.2 and 4.3				
Lead officer's name	Cubley, Lara				
Accompanied by					
Recipient's name/position	David Williams/Deborah Hall/ Technical Manager/EH&S Compliance Manager	Date issued	17/12/2019		

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
C2 - General Management - Management system and operating procedures	C2	1.1.1
E2 - Emissions - Land and groundwater	C2	2.7.1, 3.1.2 and 3.5.1
	C2	3.1.7
E3 - Emissions - Surface water	C3	3.1.2
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	4.2.3
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.3.1 and 4.3.2

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

We have reviewed report submitted (Bryn Posteg Landfill Site Quarterly Monitoring Review July – September 2019 3913-CAU-XX-XX-RP-V-0303.A0-C1) on the 13/11/19. Despite being later than the requirement of Condition 4.2.3, this extension was agreed in writing in advance.

Landfill Gas – Other monitoring requirements Table S3.8

The Operator has submitted in-waste gas collection monitoring data from the gas collection system. This is expressed as minimum, maximum and average values. The Operator must include the data this is summarising i.e. monthly as required by S3.8 of the Permit. NRW considers this a breach of **Conditions 4.2.3 (G1 – CCS3)**. This will confirm the date of monitoring and allow for evaluation of compliance with the Permit. The Operator must also include atmospheric pressure, differential pressure and meteorological data obtained during monitoring as required by Conditions 2.7.1 Table S3.8 of the Permit.

ACTION 1: Operator to ensure such data is included in subsequent quarterly monitoring reports by 28/01/20.

Where the Oxygen level exceeds 5% or the balance gas is greater than 20% an assessment of air ingress into the system shall be undertaken. **ACTION 2: As there are 15 monitoring points which exceeded 5% Oxygen the Operator shall provide an update of where he is with his assessment of air ingress into the system and what measures are being taken or proposed to prevent landfill gas migration by 13/01/20.** Where the concentration of carbon monoxide exceeds 100ppm further investigation shall be undertaken.

ACTION 3: As there are 9 monitoring points which exceeded 100ppm Carbon Monoxide the Operator shall provide an update of where he is with this investigation and what measures are being taken or proposed by 13/01/20.

Where the addition of Carbon Dioxide and Methane percentages is less than 80% an assessment of air ingress into the system shall be undertaken. As the data is provided in summarised form it is not possible to see the monitoring points and occasions where the Carbon Dioxide and Methane percentages is less than 80% and the Operator has not commented or provided data to this effect. **ACTION 1 (continued): The Operator should confirm whether this is calculated and monitored? In subsequent quarterly reports the Operator must provide a list of monitoring points where this concentration of gases falls below the required 80% together with an update on his assessment of air ingress into the system and what measures are being taken or proposed by 28/01/20.**

No weekly summary data (max/min, average and total quantity) of input to the landfill gas management compound has been reported as required by the Permit on a quarterly basis. NRW considers this a breach of Conditions 4.2.3 (G1 – CCS3 consolidated). ACTION 1 (continued): Operator to ensure such data is provided in subsequent quarterly monitoring reports by 28/01/20.

Landfill Gas in external monitoring boreholes Table S3.6

The Operator has submitted monitoring data for landfill gas in external boreholes at 36 locations around the perimeter of the waste mass. No data on atmospheric pressure, temperature or meteorological data

has been included as required by the Permit. NRW considers this a breach of **Conditions 4.2.3 (G1 – CCS3 consolidated)**. **ACTION 1 (continued): Operator to ensure such data is provided in subsequent quarterly monitoring reports by 28/01/20.**

Of the 36 monitoring locations, 16 locations breached both the limits for Methane and Carbon Dioxide set under Condition 3.1.7 of the Permit and a further 10 locations breached only the Carbon Dioxide limits set by the Permit. **NRW considers condition 3.1.7 of the Permit to be breached (E2 – CCS2).** This monitoring data indicates that the landfill gas is migrating externally to the site posing a significant environmental risk. Previously compliance assessment report reference CAR_NRW0035522, requester Operator to provide an update regarding 'Perimeter Landfill Gas Monitoring and Actions' action plan by 31/08/19. **This is still to be received.**

In response to Improvement Condition 6, the Operator has recently installed a gas and leachate intervention trench to address gas migration from Phases 1 & 2 of the landfill. **ACTION 4: Please provide CQA validation report for this work as required by Condition 2.5.7 by 13/01/20.**

The Operator has provided two Part A notification for exceedances in permitted limits in perimeter gas boreholes for this quarter as follows:

- Dated 13/09/2019 for period 04/07/2019 – 29/08/2019, and
- Dated 31/10/2019 for period 04/09/2019 – 02/10/2019.

However, the table of such exceedances is inaccurate in both Part As and only covers results for June 2019, which is outside of this monitoring quarter. We are still awaiting the Part B, to be supplied as soon as practicable required by Conditions 4.3.2. Condition 4.3.1 (b) (ii) also requires the Operator to take the measures necessary to ensure compliance is restored within the shortest possible time. We also note that we are awaiting Part Bs for similar breaches of Permit indicating landfill gas migration from earlier monitoring quarters.

The Operator states that measures taken or intended to be taken, to stop the emission are 'a review of the current gas extraction system is being undertaken to assess the efficiency of the system and to identify improvements that can be made. Monitoring trends to be discussed during quarterly review meetings.'

NRW considers the Operator to have breached Condition 4.3.2 (G4 – CCS2) as he has not provided the information required by Condition 4.3.2 relating to measures taken to stop the emission, prevent recurrence of the incident, and/or rectify or prevent pollution of the environment as soon as practicable.

ACTION 5: The Operator must correct the information in the 2 notifications listed above. He should also submit information required by Condition 4.3.2 listed in Schedule 5 of the Permit for these two notifications as well as those outstanding from previous quarters by 31/12/19.

Leachate Table S3.1/S3.4

Monthly leachate levels for the monitoring points required by the Permit have been provided. There appears to be a calculation error for LCP1 for the 29/08/2019 and 11/09/2019, with levels reportedly 3.7m above sump base, which is the same as that for 08/08/2019 when they should read 3.23m and 3.19m respectively. **Operator to note and correct, plus ensure adequate quality assurance of monitoring data going forward.**

Condition 2.7.1 requires leachate levels to be less than 1m above sump base. Leachate levels are considerably above this at all monitoring points throughout this period, with the exception of monitoring point LCP7 on 11/09/2019, measuring 0.62m. Half the monitoring point locations have recorded leachate levels of over 10m at some point in this quarter and RMLP9D at 22.7m, records the greatest head of leachate. **NRW considers the Operator to have breached Condition 2.7.1 (E2 – CCS2 consolidated with**

groundwater breach Condition 3.5.1) with the potential for a significant risk to the water environment. NRW are extremely concerned, particularly with groundwater monitoring exhibiting permit breaches (see groundwater section and action below). As such, an enforcement notice has been served on the Operator with the aim of getting them to come back into compliance.

The Operator has reported monthly leachate quality data from the effluent treatment plant required by table S3.4 apart from temperature data required. **NRW considers this a breach of Conditions 4.2.3 (G1 – CCS3 consolidated). ACTION 1 (continued): Operator to ensure such data is provided in subsequent quarterly monitoring reports by 28/01/20.**

Groundwater Table S3.5/S3.10

The Operator has provided monitoring data as required by the permit for groundwater monitoring apart from that for:

- Monitoring point W10 – the Operator states this point requires replacing.
- Quarterly data for temperature, Arsenic, Antimony, and Selenium at all monitoring points.

NRW considers this a breach of Conditions 4.2.3 (G1 – CCS3 consolidated). ACTION 1 (continued): Operator to ensure such data is provided in subsequent quarterly monitoring reports by 28/01/20.

Condition 3.1.5 states that the trigger levels for emission to groundwater for the parameters and monitoring points set out in Table 3.5 shall not be exceeded.

- The Chloride concentration in W1 exceeded the permitted limit of 69mg/l throughout the monitoring quarter with a maximum concentration of 310mg/l.
- The Ammonical Nitrogen concentration in W3 exceeded the permitted limit of 2mg/l throughout the monitoring quarter with a maximum concentration of 7.39mg/l. The Toluene concentration also significantly exceeded the trigger level of 4ug/l at this location with a concentration of 38.3ug/l.
- The Mecoprop concentration in W4 and W5 exceeded the permitted limit of 0.1ug/l with a maximum concentration of 0.16ug/l.

NRW considers the Operator to have breached Condition 3.5.1 (and 3.1.2 for hazardous substance Toluene) (E2 – CCS2 consolidated with leachate heads Condition 2.7.1) with the potential for a significant risk to the water environment especially taking into account the Operators apparent inability to comply with leachate head requirements (see Leachate section above).

ACTION 6: The Operator must undertake additional monitoring and reporting required by the recent enforcement notice dated 05/12/19 and use suitable resources to reduce leachate heads to below the 1m compliance level as soon as possible and at least prior to 30/04/20.

ACTION 7: If the Operator believes W1 Chloride concentrations to be caused by road salt, appropriate measures to prevent contamination of the groundwater borehole should be implemented as far as reasonably practicable and a variation application should be submitted with enough evidence to demonstrate this is the case, suggesting updated trigger levels for this location by 28/02/20.

Surface Water Table S3.3

Condition 3.1.2 states that the limits given in Table S3.3 shall not be exceeded. Monthly monitoring data

has been submitted and showed that location P1 exceeded the permitted limit for suspended solids of 50mg/l on 28/07/19 with a concentration of 69mg/l.

NRW considers the Operator to have breached Condition 3.1.2 (E3 – CCS3) with a potential minor impact on surface waters.

Condition 4.3.1 and 4.3.2 requires the Operator to report emission limit breaches. No such emission limit breach has been reported. **NRW considers the Operator to have breached Condition 4.3.1/4.3.2 (CCS3 – G4 consolidated) as no such notification has been received for the suspended solids breach of the 28/07/19.**

ACTION 8: Operator to submit Part A/B notification as required by the Permit including all information listed in Schedule 5, particularly, measures taken or intended to be taken, to prevent recurrence by 31/12/19.

Condition 3.7.1 (b) requires monitoring as per table S3.3, which includes location SW3. The Operator states that the proposed reed bed has not yet been commissioned. **NRW considers that the Operator has breached Condition 3.7.1 (b) as SW3 monitoring has not been included (G1 – CC3 consolidated).** The Operator has yet to install a surface water management system that prevents pollution of the watercourses. Plans did include a design with a reed bed but this was never constructed. The Operator has identified improvements required to the surface water system in response to Improvement Condition 7 (see report 'Byn Posteg Landfill Site Surface Water Management Review 3221-CAU-XX-XX-RP-V-0300-A0-C1 February 2018).

ACTION 9: The Operator should submit a complete design philosophy and plans for the surface water management system of the site by 28/02/20. This should include a programme for further submissions of CQA plans for associated infrastructure works yet to be completed.

Ambient Air Table S3.11

Monitoring data for particulate matter required by Condition 3.7.1(e) for the quarter was submitted. This confirms that the limit of 200mg/m³/day required by Condition 3.1.8 table S3.11 of the Permit was complied with.

General Management

Condition 1.1.1 requires the Operator to manage and operate the activities:

- a. in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances and those drawn to the attention of the operator as a result of complaints; and
- b. using sufficient competent persons and resources.

NRW considers that the Operator has breached Condition 1.1.1 (C2 – CCS2). The root cause of many of the breaches in this Compliance Assessment Report are related to the Operator not managing and operating the activities in accordance with management systems.

ACTION 10: The Operator shall ensure that site activities are managed and operated in accordance with approved management systems with immediate effect. Improvements in site management are likely to lead to a reduction in compliance scores and pollution.

Notifications Condition 4.3.1 and 4.3.2

The quality of notifications required by Condition 4.3.1 and 4.3.2 of the Permit is poor and all information listed in Schedule 5 is not always provided as required or within specified timescales. **NRW considers this to be a breach of condition 4.3.1/4.3.2 (G4 – CCS consolidated).** In particular:-

- Measures intended to be taken to stop the emission are often lacking in detail and /or are unlikely to stop the emission. Judging by repeated breaches, such measures are not working.
- Part A notifications received earlier this year still haven't provided the Part B information required relating to measures taken to rectify, limit or prevent pollution and prevent recurrence of the incident.
- Dates of any unauthorised emissions from the installation in the preceding 24 months have not been provided as required by Schedule 6.

ACTION 11: Operator to submit management system procedures that enable compliance with Conditions 4.3.1/4.3.2 to be secured and those relating to non-compliances, investigation and corrective actions by 31/12/19.

ACTION 12: Operator to review and update all Part A notifications for this quarter and resubmit together with information required in Part B to Schedule 6 by 31/12/19.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0036059**

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

Site	Bryn Posteg Landfill	Permit Ref	BU7766IC
Operator/Permit holder	Sundorne Products (Ilanidloes) Ltd	Date	11/12/2019

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			
C2	C2	See Action 10	13/12/2019
E3	C3	see Action 9	28/02/2020
E2	C2	See ACTION 6 - Enforcement Notice served ACTION 7 (variation application 28/02/20)	30/04/2020
G4	C3	see Actions 5, 8, 11 and 12.	31/12/2019
E2	C2	see Actions 2,3 and 4, plus outstanding Action 1 from CAR_NRW0035522 due 31/08/19 still awaited.	13/01/2020
G1	C3	see all items under Action 1	28/01/2020

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.