

**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	15/11/2019	Time in	11:27	Out	14:10
Assessment type	Audit				
Parts of the permit assessed	1.1.1, 2.4.1, 3.1.1, 3.1.3 and 4.3				
Lead officer's name	Cubley, Lara				
Accompanied by	Ellis, Rhys				
Recipient's name/position	David Williams/Deborah Hall/ Technical Manager/EHS Compliance Manager	Date issued	23/12/2019		

### 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
A1 - Specified by permit	C3	2.4.1
B1 - Infrastructure - Engineering for prevention and control of emissions	C2	3.1.1
B4 - Infrastructure - Containment of stored materials	C2	3.1.3
C1 - General Management - Staff competency/training	C2	1.1.1
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.

<b>Number of breaches recorded</b>	<b>5</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	101
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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

Natural Resources Wales visited the Bryn Posteg site on the 15<sup>th</sup> November 2019 for an inspection that covered the different Permitted areas. This compliance Assessment Report (CAR) relates only to those pertaining to the composting operation covered by Permit EPR/CB3834RQ.

Issues of concern were communicated verbally to the Site Manager during the inspection and by telephone to the Technical Manager immediately upon completion of the inspection with written confirmation that same day.

### Leachate Storage

**NRW considers that the Operator is still in breach of Condition 3.1.3** (B4 Containment of Stored Materials – CCS2) which states that, 'all liquids, whose emission to water or land could cause pollution, shall be provided with secondary containment'. The leachate is being stored in a 10,000 litre tank which has no secondary containment. This was brought to the attention of the Operator just over a year ago, following an inspection on 17/12/18 (see CAR\_NRW0034441).

During the site inspection it was noted that the draw off pipe to this tank was leaking with a significant flow. The Site Manager was unaware of this despite having drawn off some leachate the previous day. This draw off is by gravity and the valve was reportedly faulty. The operator agreed to mend this valve with immediate effect and confirmed this as complete in writing on 18/11/19.

This incident of pollution is particularly disappointing as it was avoidable had the Operator complied with the Permit and followed previous guidance given by Natural Resources Wales.

**ACTION 1:** In the interim period until leachate storage is provided with secondary containment, the Operator must ensure that leachate volumes stored in the tank are kept to a minimum to reduce the risk of further pollution. Regular inspections and checks of the tank must also be undertaken and recorded with immediate effect.

**ACTION 2:** The Operator must submit a detailed design for primary and secondary containment of leachate storage by a qualified engineer in accordance with CIRIA C736 Containment Systems for the Prevention of Pollution as soon as practicable and no later than 14/02/20. This must also consider the design philosophy with regard to the likely rate of leachate production and hence storage capacity required.

**ACTION 3:** The Operator should ensure the design of secondary containment for leachate storage above in Action 2 is constructed in accordance with construction quality assurance as soon as practicable thereafter and no later than 17/04/20.

### Notification

The Operator also failed to notify NRW of this incident as required by Conditions 4.3.1 (a) and 4.3.2 of the Permit requiring notification 'without delay of any malfunction, breakdown or failure of equipment or techniques, accident or emission of a substance not controlled by an emission limit which has caused, is causing, or may cause significant pollution with written confirmation within 24 hours.' As such, **NRW considers this to be a breach of Conditions 4.3.1 (a) and 4.3.2 (G4 – CCS3).**

**ACTION 4:** 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 17/01/20.

**ACTION 5:** The Operator must ensure staff are trained appropriately in above procedures (Action 4) and submit evidence to demonstrate this by 31/01/20.

### Sealed Drainage System

During the site inspection it was noted that liquid was seeping with a significant flow from the steep earth bank to the north of the site around the concrete chambers which the composting pad run-off drains to. It was not possible to ascertain where this was originating from, but it gives cause for concern regarding the engineering and sealed nature of the drainage system and earth bund on the northern boundary to the site. The concrete chambers also appear to have sleeved holes passing through the concrete in the visible section above the leachate level. The nature and construction of these is unclear. It is not known whether these create a pathway for escape of leachate and whether

further such features are present below the leachate level.

The Operator provided a synopsis of the containment infrastructure of the compost facility on 25/11/19 in response to CAR\_NRW0035855 . NRW have reviewed this information and conclude that the level of information provided is not of an acceptable standard to give assurance that the drainage system and infrastructure meets the Permit requirements of an impermeable surface with sealed drainage system. **NRW considers that Condition 3.1.1 has been breached (B1 – CCS2)** unless the Operator can demonstrate otherwise.

The synopsis provided by the operator fails to provide any recognised standards with no design specifications or material specifications given. The northern boundary bund is stated to be clay but it is evident from visual inspection that gravel and stones are mixed into these soils. No data on permeability/geotechnical data or testing on this 'clay' has been provided. The Operator states that minor remedial works to the bund constituted compaction using the bucket of a digger and addition of a further layer of clay. Such methods are not considered satisfactory in achieving a permanent construction method for infrastructure designed with the aim of being impermeable and sealed by a qualified Civil Engineer to recognised standards.

**ACTION 6:** Engineered design specifications of the following elements must be provided by 10/01/20:

- concrete wall along western perimeter,
- concrete slab,
- 50cm high clay bund northern perimeter,
- drainage manholes, adjoining pipework and concrete chambers that can be referred to as the sealed drainage system, and
- details of the interface and joins/seals of the above elements, i.e. between concrete slabs, between slab and concrete wall, between slab and clay bund, between clay bund and drainage pipework and between elements of the sealed drainage system.

Confirmation that this infrastructure has been constructed to these plans and specifications or otherwise must also be provided by 10/01/20.

### **Permitted Site Boundary**

**NRW considers the Operator to have breached Condition 2.4.1 (A1 – CCS3)** in that the activities of composting where seen to be 'extending beyond the site, being the land shown edged in green on the site plan attached to the permit.' Such activities of composting on the concrete slab appear to extend considerably North East of that permitted. This has been brought to the attention of the Operator on previous occasions and the Operator has agreed to submit a variation. However, this is still awaited with deadlines for submission not adhered to.

**ACTION 7:** Operator to submit a permit variation by 31/01/20 or as soon as practicable.

### **Management**

NRW has highlighted issues of sealed drainage, secondary containment, activities extending beyond the permitted site boundary, notification and management breaching Permit Conditions. 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, closure and those drawn to the attention of the operator as a result of complaints; and
- b. using sufficient competent persons and resources.

NRW considers the root cause of the earlier breaches of Permit to be as a result of breaching Condition 1.1.1 of the Permit (C1/2 – CCS2) with significant impacts on the environment.

**ACTION 8:** The Operator is to ensure sufficient competent persons are available to manage the operations in accordance with approved management systems with immediate effect.

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0036117**

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Site	Bryn Posteg Composting Facility	Permit Ref	CB3834RQ
Operator/Permit holder	Sundorne Products ( Llanidloes) Ltd	Date	15/11/2019

### 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 Action 8	22/12/2019
A1	C3	see Action 7	31/01/2020
B1	C2	see Action 6	10/01/2020
G4	C3	see Action 4 and 5	31/01/2020
B4	C2	see Actions 1,2 and 3	17/04/2020

## 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](mailto: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.