

Compliance Assessment Report

Report ID:
CAR_NRW0036747

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	02/07/2020	Time in	N/A
Assessment type	Report/Data Review	Out	N/A
Parts of the permit assessed	1.1.1, 2.6.1 - Management Systems, Training & Waste Acceptance		
Lead officer's name	Cubley, Lara		
Accompanied by			
Recipient's name/position	David Williams / Deborah Hall/ Technical Manager / EH&S Compliance Manager	Date issued	02/07/2020

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
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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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Introduction

Compliance Assessment Report CAR_NRW0036490 contained the following action as a result of the audit on 12/02/20 with respect to waste acceptance:

'ACTION 18: *The Operator must update his waste acceptance procedures to include all permitted waste activities and clearly describe how waste is processed, tracked and recorded through the different permitted activities. Such updated procedure(s) shall be submitted to NRW before resuming acceptance of waste.'*

Review

We have reviewed *Waste Acceptance Procedure – Bryn Posteg Landfill (EMS-3-13.01-LNF)* received by e-mail on 22/06/20 and have the following comments which require addressing:

1. Section 1.1 is entitled '*Wastes for Disposal*', however, not all wastes accepted are for disposal activities under the landfill (BU7766IC) permit, compost (CB3834RQ) permit and MRF (UP3995CV) permit. Other activities include treatment/recovery/storage.
2. Section 1.1 states, '*Tables S2.2, S2.3 and S2.4 of Permit No: BU77661C detail the wastes that are acceptable into Bryn Posteg Landfill*'. You need to differentiate between activities. Table S2.3 and 2.4 wastes can only be accepted for treatment under the landfill (BU6677IC) permit. Only Table S2.2 wastes can be accepted for disposal to landfill.
3. The procedure is confused/muddled with reference to landfill and not all other activities throughout. It must be clear and include waste acceptance procedures for all activities, not just landfill. It should differentiate between the disposal to landfill activity and landfill permit the later of which includes other activities, i.e. Section 2 & 3 appears to only relate to the landfill disposal activity D05.02.
4. Section 1.1, MRF permit number should be included for completeness/reference (UP3995CV).
5. Section 1.1, MRF references Working Plan Table 1.3.1 for waste quantities. Quantities in the Working Plan are a maximum of 110,000t/yr. Quantities are limited to 90,000t/yr by the Permit (Condition 1.2.2). The Permit takes precedence.
6. Section 1.2 refers to *EMS-BP-RESR01* for restoration procedures. Please provide this document. This document must be in accordance with permit requirements and waste recovery plan and may require updating to reflect imminent variation. It should reference permitted waste types for recovery activity (i.e. Table S2.5) and pre-operational requirements/process (Table S1.4) for wastes not listed.
7. Section 1.3 – Only the quantities are provided for the landfill permit and wrongly state to be '*deposited*' but there are other activities (R&D), i.e. recovery/treatment.
8. Section 2.2 – Prohibited wastes are only those for disposal to landfill. Other activities under the landfill permit and those in MRF/Compost permit have different/other excluded/prohibited wastes.
9. Section 3.1 refers to pre-acceptance form in Appendix 1, this is not included, please provide.
10. Section 3.2 suggests compliance testing will be conducted at least once per year. This may not be acceptable for wastes received in large amounts whose composition could be variable in nature with

possible implications for classification.

11. Section 3.2 – who will be responsible for reviewing level 2 compliance testing results and what will the process be if they don't comply?
12. Section 3.3 – If periodic testing is required as part of the Level 3 verification, who will do this, what qualifications/training will they have and what methods will be used and what testing frequency will be employed? See 23 below on sampling plan.
13. Section 3.4 – how will you document confirmation of pre-treatment?
14. Section 3.5 – Please confirm that the Pre-acceptance Form (Appendix 1) is completed for all waste destined for Bryn Posteg Landfill and approval gained prior to arriving on site as per section 3.1 regardless of whether level 1 or 2 testing is required.
15. Section 3 – The process of waste acceptance with review and approval of basic characterisation and testing data is specialist and technical and appears to involve approval from a Potter Group Management Representative. Please confirm who will be making such reviews/approvals and what their qualifications/training will be?
16. Section 4.3 – states, *'Prior to acceptance of waste at Bryn Posteg Landfill, the customer will be allocated a customer account number, and an account will be opened by the finance department.'* Customer account number should only be given **following approval** of waste stream and prior to acceptance of the waste to site.
17. Section 4.3 – Procedure states, *'Each waste stream will also be allocated a unique reference number (Customer number) after its disposal has been authorised in accordance with procedures in Section 3.4.'* Surely the unique reference number for each waste stream would be different to a customer number? One customer may have a number of waste streams? Should replace Section 3.4 with Section 3.
18. How will the weighbridge operator be able to tell which wastes have had pre-approval from the computer system? What information will be stored on the computer regarding waste and available to the weighbridge operator/senior Potters Management team member?
19. Section 4.6 states, *'Incoming waste **may** be rejected at the weighbridge for a number of reasons'*. If documentation is, *'incomplete or unsatisfactory'*, we would expect the waste to be rejected as least until any issues were resolved and corrected by the producer/carrier/holder/broker following consultation with them.
20. Section 4.10 – although these difficult wastes may be accepted at the landfill some are excluded from MRF Permit i.e. dusty.
21. 4.12 – What controls will be applied to ensure the sampling plans are available, appropriate and all levels of testing meet BS EN 14899:2005. This would include use of accredited labs/ test methods and appropriate sampling frequencies.
22. Section 5 – states, *'The weighbridge operator will determine and record the Permit Number under which the waste has been accepted and will then direct the drivers to deposit their loads accordingly.'* The permit number and activity which the waste will be accepted at should be determined and recorded prior to acceptance and as part of the pre-acceptance/approval process. The different permits/activities allow different waste codes and exclude/prohibit different wastes. Therefore, you would have to know which specific permit/activity the waste was being submitted to prior to determining whether the permit would allow this waste to be accepted. The holder of the waste may also have specific requirements for discarding waste according to policies/targets i.e. recovery over disposal.
23. Section 5.2 – please updated reference of *Special Waste Regulations* to Hazardous Waste.

Summary/Actions

Compliance Assessment Report CAR_NRW0036490, already summarises the Permit non-compliances.

Action 18 has not been met as the waste acceptance procedure submitted does not include all permitted waste activities and does not describe how waste is processed, tracked and recorded through all these different activities, i.e. physical treatment to biological treatment to disposal at landfill. **Please respond in writing to confirm how you have addressed our comments and include an updated Waste Acceptance Procedure which addresses the comments and includes all permitted waste activities describing how**

waste is processed, tracked and recorded through these different activities/permits prior to resuming acceptance of waste. It is best practice that a record is kept of internal transfers of waste between permits/activities. Such information will be required for audit purposes and waste reporting.

Please note, the following action from Compliance Assessment Report CAR_NRW0036490 is still outstanding:

ACTION 22: *The Operator must submit to NRW a procedure that describes the Operator's process for reporting quarterly waste returns before resuming acceptance of waste.'*

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0036747**

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	02/07/2020

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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			

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.