

## Compliance Assessment Report CAR\_NRW0036865

**Permit being assessed:** BU7766IC.

For: Bryn Posteg Landfill , held by Sundorne Products (Llanidloes) Ltd

At: Bryn Posteg Landfill Site Tylwch Road , Llanidloes, Powys, SY18 6JJ.

**Type of assessment carried out:** Report/Data Review, Reason: Routine.

On 13/08/2020.

Parts of permit assessed: see report

**NRW Lead Officer:** Lara Cubley.

**Report sent to:** David Williams / Deborah Hall, Technical Manager / EH&S Compliance Manager on 13/08/2020.

### 1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B4 - Infrastructure - Containment of stored materials	Action only (X)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
0	0

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

### 2. What action is required?

Criteria	Action needed	Complete by
B4	See Action 1 to be submitted for approval prior to commencing works on site.	31/10/2020

Action criteria codes are listed in the 'Important information' section below.

### 3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

**At this time, we do not intend to take any further action.**

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

### 4. Details of our assessment

NRW raised concerns regarding signs of instability at the south eastern corner of the

leachate balancing lagoon during a site inspection on 15th November 2019 as detailed in CAR\_NRW0033997. On the 9th of July 2020 we received the following report from the Operator in response to Action 2 of that Compliance Assessment Report (CAR):

*'BRYN POSTEG LANDFILL, TYLWCH ROAD, LLANIDLOES, SY18 6JJ  
LEACHATE LAGOON - SLOPE STABILITY ASSESSMENT REPORT  
e-geo Solutions Ltd Report No. E1224.SSA.R1 May 2020 for Potters Waste Management'*

In summary the report involves:

The leachate lagoon is approximately 60m in length and 30m wide and is constructed partially within and partially above the existing ground level. The embankment is at its highest in the south-east corner where indications of instability has been observed. The objective of the study was to inspect and assess the slope stability of the embankment forming the south-eastern side of the lagoon and recommend remedial stability works if necessary.

The study comprised a walk-over visual inspection survey and a desk study of past and current topographic surveys; ground investigation information and construction CQA Plans.

The report concludes that there is no evidence to indicate immediate risk of catastrophic slope failure from deep rotational or transitional slides. The slopes at and around the southeast corner of the lagoon are stable and safe. However, shallow (~15cm) transitional slides of the near surface soil layers have occurred due to surface erosion of loosened surface soil. Steepening of the slope in these slipped areas is likely to cause continued down-slope movement and continued deterioration of the embankment.

The remedial works proposed are to raise the toe of the embankment over a length of 20m by constructing a Gabion basket retaining wall to a maximum of 1.5m height.

NRW have reviewed this report and make a number of comments, including queries and observations below.

**ACTION 1: As per Condition 2.5 of the Permit we request that further information is provided in the form of a CQA plan for the works as outlined below prior to progressing works on site.**

Our comments:

1. It is not clear in Section 5.1.2 whether the remedial works to improve stability is to be achieved by backfill placed just directly behind the constructed retaining wall to create additional toe weight or whether the entire slope will be regraded from the top of the wall to the crest and hence reduce the slope angle of the whole slope. Reducing the steepness of the slope would be the most beneficial to lessen the risk of translational slippage and erosion and prevent further deterioration of the embankment.
2. A slope stability analysis should be carried out and included in the CQA Plan to

confirm that raising the toe of the slope by ~1.5m and hence reducing the slope angle, will provide the conjectured improvement in stability (i.e. the increase in factor of safety).

3. A Gabion basket retaining wall design should be carried out and included in the CQA Plan. This should include plans and cross-sections and slope drainage details.
4. It is understood that the properties of the ground beneath the embankment has been assumed from previous exploratory holes from other parts of the site. The ground along the footprint of the retaining wall should be investigated with a new ground investigation and with appropriate in situ/laboratory tests carried out to establish the geotechnical properties required to design the foundations for the wall.
5. The slope angle will not be greatly improved (i.e. reduced) by the proposed works. Consideration should be given to the use of proprietary erosion control materials on the slope face to retain soils on the slope and allow vegetation to establish.
6. The CQA Plan should detail the construction procedures to ensure the embankment slope is not destabilised by the remedial works particularly from excavations at the toe of the slope for the Gabion basket foundations.

In conclusion, we would recommend that our comments are considered for inclusion in the CQA Plan before it is formally reviewed.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

## Important information

### Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

### Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

### How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

**What are suspended scores?**

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

**Full list of Industry and Waste action criteria (used in section 1 and 2):****A: Permitted activities**

- A1 Specified by permit

**B: Infrastructure**

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

**C: General management**

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

**D: Incident management**

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

**E: Emissions**

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

**F: Amenity**

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

**G: Monitoring and records, maintenance and reporting**

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

**H: Resources efficiency**

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

**Enforcement response**

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

**Data protection notice**

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

**Disclosure of information – this report will be available to view on-line**

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

**What do I do if I disagree with the report or have a complaint?**

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

**Welsh Language Standards**

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.