

Compliance Assessment Report

Report ID:
CAR_NRW0036811

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	16/07/2020	Time in	10:20
Assessment type	Audit	Out	14:20
Parts of the permit assessed	Various - see report section		
Lead officer's name	Cubley, Lara		
Accompanied by	McGregor-Andrew, Sian		
Recipient's name/position	David Williams / Deborah Hall/ Technical Manager / EH &S Compliance Manager	Date issued	29/07/2020

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
B4 - Infrastructure - Containment of stored materials	C3	3.2.3
C2 - General Management - Management system and operating procedures	C3	1.1.1
C4 - General Management - Storage, handling labelling and Segregation	C3	1.1.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	4.2.3

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	4	Total compliance score (see section 5 for scoring scheme)	16
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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

Natural Resources Wales conducted an announced visit to Bryn Posteg on the 16th July 2020. The visit involved a full site walkover, observing the leachate level monitoring, verifying staff knowledge and understanding of revised waste acceptance procedures, and looking at records related to Engine 1 maintenance and final treated leachate discharge monitoring.

Sundorne Products (Llanidloes) Limited is the Operator of four Permitted Sites at Bryn Posteg; landfill, MRF, engines and compost facilities. For the purpose of this inspection a Compliance Assessment Report (CAR) has been produced under the landfill permit detailing the inspection across all 4 Permits. However, a further CAR to log the non-compliances and issues specific only to the individual permits has been produced for the MRF, engines and compost permits, with reference to this CAR.

Site Walkover

Storage of potentially polluting substances

Permit Condition 3.2.3 requires all containers of potentially polluting liquids to be provided with secondary containment. During the site walkover there were a number of occasions where potentially polluting liquids did not have secondary containment as follows:

- IBC in east of MRF area close to diesel bowser containing a black liquid but contents unmarked?
- 25 litre plastic container with what appeared to contain red diesel (not labelled with contents) behind compressor house on access platform.
- IBC in engine compound containing liquid labelled Sodium Hydroxide
- Pallet containing 25 litre plastic containers of Aquatreat chemicals between the leachate treatment plant and biomass plant.

We also had concerns regarding the mobile diesel bowser parked in the very west of the MRF area. This had heavy ground staining around the area it was parked and appeared to have a drip coming from the bottom near the delivery hoses. It was not clear whether the dripping was from the recent use of the delivery hose or whether there were issues with the integrally bundled tank or delivery hose integrity. The delivery hoses were external to the integrally bundled mobile diesel bower and the area of ground the bowser was parked on appeared to be soft.

NRW is of the Opinion that Condition 3.2.3 of the Permit has been breached (B4 Containment of stored materials CCS = 3) with the potential for minor pollution ground and waters.

NRW is of the opinion that there is an associated management systems breach of condition 1.1.1 (C4 Storage, handling, labelling & segregation CCS = 3).

ACTION 1: The Operator must ensure that there are procedures in place for ensuring secondary

containment for storage of all potentially polluting liquids and that employees are trained and procedures followed. Provide NRW such procedures and evidence of training of employees by **31/08/20**.

ACTION 2: The Operator must investigate the leak around the mobile diesel bowser. Please report findings to NRW in writing by **08/08/20**. Contaminated ground where staining was noted must be cleaned up and waste disposed of in accordance with legal requirements.

Advice & Guidance: The Operator is advised to refer to 'Above ground oil storage tanks: GPP2' for guidance on mobile fuel bowser. <https://www.netregs.org.uk/media/1488/gpp-2-pdf-jan-2018pdf-2.pdf>

Where flexible delivery/draw-off pipes are used valves should be locked off when not in use and drip trays used if flexible draw-off hose is not in secondary containment of tank.

Leachate lagoon sludge disposal

A location in phase 9D and another in 9C were noted as having sludge from on-site leachate treatment having been disposed of on the surface. The landfill is permitted to accept this waste type for disposal. The landfill permit is currently subject to a suspension notice; however, we have agreed that the leachate lagoon sludge produced by the on-site activity can be disposed of in the landfill. We would expect such disposal within the landfill to be conducted in a more controlled manner so as to minimise the risk of pollution of surface waters.

Advice & Guidance: The Operator should ensure procedures are available to control the location and method of sludge disposal within the landfill so that run-off of contaminants during heavy rainfall outside on engineering containment is not possible. This should also consider the possible odour impacts of this 'difficult waste' although we did not observe an odour impact during the inspection. The Operator must also ensure employees are trained in such procedures.

ACTION 3: Please provide the procedure for disposal of leachate sludge in landfill to NRW in writing together with evidence of training of employees.

It was also noted that this waste source is not recorded in quarterly waste returns as a waste input to the landfill.

ACTION 3a: The Operator must revise waste acceptance procedures to ensure that any wastes produced on site and accepted to the site is managed appropriately, recorded and submitted in waste returns. All staff must be appropriately trained and compliance with such procedures monitored. Evidence of this must be provided to the Operator by 31/08/20.

Bottom Ash/fly ash from biomass boiler

During the inspection it was noted that bottom ash from the biomass boiler was being stored directly outside the building on soft ground. Similarly, fly ash appeared to have been left on the floor underneath the blind end of the biomass boiler flue external to the building.

NRW is of the opinion that the storage of ash in this manner is unacceptable. The waste is not appropriately contained and due to its fine nature could be easily wind blown. Although, the biomass boiler is only permitted to accept clean uncontaminated wood both fly ash and bottom ash are the subject of waste classification due to being mirror entries in the EWC codes. This ash may contain contaminants which could leach out of the waste and cause pollution of the ground and waters. At the time of the visit the EH&S Manager was not certain where this waste was being disposed of.

ACTION 4: The Operator must confirm where this waste is disposed of and provide information required by Condition 2.3.3 and 2.3.4 of the Permit in relation to the EWC code, composition/nature (including and testing to enable classification of hazardous/non-hazardous), handling requirements and any hazardous properties of the bottom ash and fly ash to NRW in writing by **08/08/20**.

ACTION 5: The Operator must ensure this waste is adequately contained and stored within sealed containers with immediate effect to enable compliance with Duty of Care.

Housekeeping

General housekeeping could be improved. Packaging and flexible pipe were discharged in Engine 1 control room, pipes and pallets have been discharged in a heap on the top of the landfill capping, bailed tyres are stored in several places around the landfill contrary to plans, and BioCover is stored in degraded bags beginning to escape and spoil (see photographs).

It was noted that there have been improvements in the housekeeping in the conference room. Bins labelled so and containing oily waste associated with engine maintenance by the compressor house were also an example of good housekeeping. The site should extend such standards to the rest of the site.

Treated leachate discharge monitoring

NRW followed up on some leachate data from the process control system at the leachate treatment plant because no Part B investigation had been received. Records viewed on the systems data storage showed pH levels all just over pH7 for the period 30th October to 1st November 2019. The pH probes are reportedly self-calibrating, not sent away for any laboratory calibration but are under service contract with Hach Lange.

ACTION 6: Please provide NRW with written evidence of maintenance contract with Hach Lange for maintenance of this pH probe for at least the last year and of completion of such maintenance visits having been completed by **31/08/20**.

Engine 1 maintenance records

NRW attempted to follow up on maintenance records for Engine 1 which were reportedly kept in the engine's control room. We did find a file which contained many service reports up to and including 2013. There were also a couple of reports from 2018 held in this file but no more recent records. (See CAR _NRW0036490 from audit on 12th February 2020 relating to maintenance).

MRF area & trommel

On arrival a stockpile of waste at the MRF was being loaded into a wagon for removal from site. Apart from this waste there were a couple of skips containing metal waste on site and some tyres in a bay.

The building containing the trommel forming part of the landfill permit was now clear of water with a tide mark where you could see the water level had been following flooding of this area of the site. It was noted that the guttering of this building required maintenance due to plants growing in them.

The trommel is still present (see photograph) but the working order is not know. Some areas of the concrete slab are worn and cracked (see photos) which is a breach of Condition 2.1.2 of the MRF permit. Please refer to MRF CAR form. It is also noted that a central drainage channel has not been installed and constructed as indicated in the working plan.

A small area of water ponding remains in the east of the slab around the base of the access ramp. A sump with a round concrete manhole ring around it was set up with a pump for dewatering this area (see photograph). We are currently awaiting further documentation following our comments on proposals for replacing the underground tank which drains the MRF area.

It was noted that a notch had been formed in the southern boundary bund which allows ground to the south of the MRF slab to drain into the MRF area. We are currently awaiting further documentation and information regarding surface water management at the site.

Advice & Guidance: The area to the south of the MRF should contain clean uncontaminated surface

waters and should be kept separate from the drainage of the MRF slab constructed to store/process waste. Draining the area to the south just adds to the volume of contaminated water to be disposed of.

Action 7: The Operator should keep NRW informed of which elements of the landfill permit activities will be in serviced running order, i.e. shredder and trommel and when waste acceptance is likely to resume as required by the Permit.

Composting permit area

From discussions with the operator, the composting operation is yet to receive PAS100 certification. We were impressed by the lack of contamination of the incoming waste by plastics etc.

We inspected the leachate tank and there were no signs of failed containment.

Leachate monitoring

An assessment of the Operator's leachate monitoring was made by observing monitoring being conducted. This was assessed against the current monitoring plan contained in the Leachate Management Plan January 2019 (document reference 3428-CAU-XX-XX-RP-V-0304.A0-C2).

To start with there are inconsistencies in the nomenclature used in reconciling the monitoring points as required by the permit, the leachate management plan and the actual monitoring taking place (daily record sheets viewed). This is partly due to re-drilling of a number of leachate wells April to June 2019.

Advice & Guidance: The Operator must be clear when wells are re-placed or re-drilled and have a process for assigning unique identifications to differentiate between wells. This is particularly important with regard to verification of compliance with the 1 m above sump base limit in the permit. New wells will be in different locations and to varying depths.

Permit condition 3.7.1(a) requires leachate monitoring of the monitoring points specified in Table S3.1. Permit condition 4.2.3 requires the quarterly reporting of this data. Currently, it would appear that monitoring point RMLP9B is certainly not being reported and recorded on the weekly record sheets reviewed. This appears to have been replaced with RMLP9B West.

The leachate management plan monitoring schedule does not concur with the permit monitoring points and should contain:

- Up-to-date plan showing leachate monitoring/extraction points with unique id,
- Construction drawings/borehole logs of all monitoring/extraction points,
- Objectives of the monitoring, in this case it would be to obtain a representative level of leachate within the waste mass of a particular cell.

It was also noted that the daily record sheets contained some spurious monitoring point references i.e. RMPL9A/GW30 believed to be RMLP9A (June 2019), RMPL9A/GW35 believed to be RMLP9B West (completed June 2019), RMPL9A/GW325 believed to be RMLP9C (June 2019), and RMPL9A/GW309 believed to be RMLP9D (June 2019).

The daily record sheet 'Base of well (mAOD)' column would appear to be incorrect. NRW is of the opinion this data is not in mAOD but the drill depth of the wells installed in April to June 2019 from ground level. This does not allow for the upstand in construction of the well which varies between 0.5m and 1.4m. NRW is also of the opinion that the depth of 26.38m used for RMPL9A/GW30 believed to be RMLP9A (June 2019) is incorrect because the CQA validation plan for this well notes issues with installing this well and confirms a drill depth of 25.8m.

There also appears to be a discrepancy between the monitoring depth reference point in the monitoring

protocol and the actual monitoring observed. The monitoring protocol references to cover level and that observed was conducted to top of monitoring port. This was discussed with the ES&S Compliance Manager.

Many of the issues pointed out above give cause for concern regarding the accuracy of leachate levels reported and require addressing by the operator.

It should also be pointed out that the leachate management plan wrongly references the monitoring parameters as head above cell base when the permit requires the compliance level to be above the sump base.

NRW is of the opinion that these issue mean a breach of Condition 4.2.3 (G1 Monitoring of emissions and the environment CCS = 3).

NRW is of the opinion that there is an associated management systems breach of condition 1.1.1 (C2 Management systems CCS = 3).

Action 8: The Operator must update the leachate management plan with information required above, and ensure any discrepancies in monitoring protocols are addressed and resubmit to NRW by **31/08/20**.

Action 9: The Operator must update the format of the daily monitoring sheets which should allow for unique identification of monitoring point and include all necessary calculations to allow for verification of data, i.e. reference data mAOD to top of monitoring point cover including date of last survey this was taken from. Please provide NRW with an updated copy of this form by **07/08/20**.

The Operator had borrowed the contractors dip tape to undertake the monitoring observed during the inspection. It was reported that the contractor's dip tape was better suited to the task because it contains a sensitivity adjustment. This is useful for some of the wells which have issues with foaming and can give a false high reading. The Operator has ordered a new dip tape. We observed the monitoring of a few leachate monitoring points during the inspection. The verified dip tape reading at LCP3 for leachate level was 32.64m below the top of the monitoring port. We also verified RLMP9B/GW327 as being just under 39m below the top of the monitoring point. RLMP9B/GW327 is not recorded in the daily record sheets reviewed. The last printed record sheet dated the 10/07/20 recorded a leachate level of 33.78m dip to liquid for LCP3 with a calculated leachate head of 1.02m likely based on the depth of the well of 34.8m.

Waste Acceptance

We briefly discussed the newly updated waste acceptance procedures with the Site Manager. He was aware of the new pre-acceptance/approval requirements prior to arrival of waste on site. We will review compliance with waste acceptance requirement once MRF and landfill permit waste acceptance resumes.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0036811**

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	16/07/2020

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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	C3	See Action 8 & 9 in report	31/08/2020
G1	C3	See Actions 8 & 9 in report	31/08/2020
C4	C3	See Action 1 & 2 in report	31/08/2020
B4	C3	See Action 1 & 2 in report	08/08/2020

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.