

Compliance Assessment Report CAR_NRW0036942

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 18/09/2020.

Parts of permit assessed: CQA Plan

NRW Lead Officer: Lara Cubley.

Report sent to: David Williams/Deborah Hall, Technical Manager/EH&S Compliance Manager on 18/09/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B1 - Infrastructure - Engineering for prevention and control of emissions	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
B1	see report	23/10/2020

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

In accordance with permit condition 2.5 NRW received the report, 'CQA Plan and Specification for Permanent Capping Works at Bryn Posteg Landfill Site, August

2020, 3761.CAU.XX.XX.SP.Y.7700.A(0)' on the 24th August 2020.

A review of the above document has revealed that it is largely acceptable, though a number of clarifications or amendments are requested as detailed below. When these have been considered and a revised draft reviewed the plan is likely to be accepted:

P6 The Employer should not have the powers to “vary the design of the works during construction”. If site conditions dictate a revision to the design, this should be prepared by the designer (Caulmert) and submitted to NRW for review and acceptance prior to implementation.

P19 A CQA Validation Report should be prepared at the completion of the whole of the works if the works are undertaken in a single phase. Where the works are staged, a CQA report for each stage should be presented so that these details may be reviewed immediately after the works are undertaken.

P22 Clause 2.1.3 prohibits the use of any industrial, commercial or domestic waste. Suitable soils may arise from sources that are also wastes and therefore this clause may be overly restrictive. It may be better to state that in the event that candidate suitable soils are identified that are also waste these will be considered if they meet the physical requirements of the Specification, are chemically suitable (for example are inert) and are placed with the prior agreement of NRW and with particular attention to permit pre-operation conditions.

P24 Clause 2.4.6 requires the lower protection layer to comprise materials meeting the requirement of Table 1. Table 1 describes a material grading with limits to particle sizes of 125mm, 60mm in the top 150mm and 30mm in contact with the geomembrane. The report is silent on how this is to be achieved. Clause 2.5.2 indicates clays and subsoils will be used, but the grading requirements do not exclude the use of coarser soils. It is noted that the grading specification is used as the raw data input into the calculation of puncture resistance required by the protective geofabric above the barrier membrane. Given that the calculation is used to specify the need for protective fabrics against the geomembrane I would question why the membrane would not also require protection from the same grading of fill beneath it.

P30 The existing LLDPE may be retained if further testing proves it is suitable. It is noted that the current document provides different requirements to the CQA Plan used to install these materials. The original CQA Plan, against which the materials were compared, required the density to be $0.939\text{g/cc} \pm 1\%$. The existing test data reveals that the density does not fall within this range. However, the current plan requires a density of $<0.939\text{g/cc}$ with which the available data complies. Similarly, the original plan required OIT to be greater than 400hrs for textured membrane (which it is not) though the current plan requires it to be greater than 100hrs. The difference is not due to a misunderstanding but a change to the plan requirements. The same comment applies to Appendix 6, p4. The current plan reproduces requirements from LFE5 and is therefore acceptable, providing further testing reveals that the materials remain in accordance with Table 2 of the current plan.

P32 Clause 4.1.1. requires adjacent panels to be welded with double seam fusion welds, yet Clause 4.10.9 permits the use of extrusion welded cap strips to failed seams. This would be consistent if capping strips were excluded and a replacement strip was

fusion welded into place so that it could also be tested and verified using APT.

P43 The proposal to retain fabric that does not meet the original plan requirement of 4kN has been made on the basis that a calculation has shown 3kN to be adequate. The calculation provided in Appendix 4 appears to use the specification of the Lower Protection Layer (ie the soils beneath not above the barrier membrane) which sits in intimate contact with the barrier membrane without any protective textile. Table 6 provides the specification for the Upper Protection Layer as 100% passes 125mm. The CBR requirements for the existing protective geotextile (and the proposed GDL) should be recalculated for the proposed upper restoration soil layer. The implications of the requirement for protection from the grading of the lower protective layer given the existing calculation should also be considered.

ACTION: Please address the above comments/concerns and submit revised CQA plan for approval prior to commencing construction by 23/10/20.

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 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

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.