

Compliance Assessment Report CAR_NRW0036959

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 24/09/2020.

Parts of permit assessed: Pre-operational Condition

NRW Lead Officer: Lara Cubley.

Report sent to: David Williams / Deborah Hall, Technical Manager / EH&S Compliance Manager on 02/10/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	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
A1	See Actions 1 - 31/10/20 or prior to accepting waste	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

Variation BU7766IC/V009NRW issued on the 08/09/20 has the following Pre-Operational Condition as per table S1.4:

'The operator shall submit to Natural Resources Wales a procedure(s) for waste acceptance. This should include:

- Pre-acceptance basic characterisation, acceptance on site, checks and verification, rejection, through to disposal/or onward consignment.*
- All permitted waste activities, how waste is processed, tracked, and recorded through the different permitted activities.*
- Requirements for documentation/records.*
- Process of quarterly reporting of waste returns.*
- Roles & responsibilities.*

The operator shall receive approval in writing from NRW that such procedure(s) provided are suitable prior to accepting waste.'

NRW have reviewed the following documents in response to the above Pre-Operational Condition 3:

- Waste Acceptance/Rejection Bryn Posteg Document No. EMS-3-13.01LNF Version 2.2 Received on 03/09/20, and
- Quarterly Returns Document No. EMS-3-LNF Version 1 received 04/09/20

Regarding the Waste Acceptance/Rejection procedure Section 1.1 describes how EWC 20 03 01 waste leaves the MRF permit (UP39995CV) and enters the Landfill permit (BU7766IC) directly following metal recovery. Waste under this landfill permit then undergoes physical treatment (trommel) and biological treatment (Composting). Conversely, Section 5 refers to Figure 1 with respect to waste accepted and processed through the MRF permit (UP39995CV) to include the trommel and composting activities, which contradicts the previous section 1.1. This is unclear and still fails to show clearly how waste is moved and recorded from one permit to the other or indeed from one activity to another. This will also impact accuracy of waste returns data.

We have the following comments to make regarding The Quarterly Returns Procedure:

1. This procedure fails to highlight timescales and deadlines for submissions to enable permit compliance.
2. The procedure fails to differentiate between permits and activities which will be required for formulation of the quarterly waste returns. Figure 1 in both this procedure and Waste Acceptance/Rejection procedure is simplified and does not include all permit activities or clear boundaries between permits.
3. The procedure does not describe how accurate returns are created as per e-mail correspondence between the operator and NRW earlier in May of 2020. Example templates of weighbridge reports used for creating quarterly returns and example templates of these quarterly returns would be useful.
4. The use of the equation to calculate compost fines is not acceptable. Wastes are constantly entering the system and being removed at varying rates. Some fines may also arrive from other locations for composting directly. This is not an accurate method. For the purposes of wastes entering the composting (biological treatment) activity wastes should be weighed.
5. There are no details regarding waste types removed and formulation of data for waste removed from permits with respect to quarterly returns.

Permit Condition 2.5.1 - *'The operations specified in schedule 1 table S1.4 shall not commence until*

the measures specified in that table have been completed.'

ACTION 1: Please address the above comments and resubmit the procedures for approval in writing prior to accepting waste.

Document Control

We have reviewed Document Control Procedure V1 received on 08/06/2020. The procedure is generally acceptable and should be implemented. It is advisable that the person responsible for preparation of EMS/IMS documents should be different to that reviewing or authorising the document.

We have noted that many EMS/IMS documents provided, including the Document Control Procedure itself and those reviewed in this CAR do not contain issue dates as required by the Document Control Procedure. The Document Control Procedure also fails to have a reference number.

ACTION 2: Ensure Document Control procedure is adequately implemented and that all documents contain title, reference number, issue date and page number.

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.