

Compliance Assessment Report

Report ID:
CAR_NRW0032832

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	31/10/2017	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Environmental Monitoring July - Sept 2017				
Lead officer's name	Zachary, Aled				
Accompanied by					
Recipient's name/position	David Williams/ Technical Manager	Date issued	05/02/2018		

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
E1 - Emissions - Air	C2	3.3.5
E2 - Emissions - Land and groundwater	C4	3.2.3
E3 - Emissions - Surface water	C3	3.1.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.3.1;4.3.2

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)	39.1
------------------------------------	----------	---	-------------

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

Review of Quarterly Monitoring Data.

I have reviewed the following quarterly monitoring report as required by Condition 4.2.2 of the Permit: ***Bryn Posteg Landfill site quarterly environmental monitoring report July to September 2017***

Groundwater.

Condition 3.2.3 states that the trigger levels for emissions into groundwater shall not exceed the levels set out in Schedule 4, Table S.4.5.

Findings: Levels of Chloride in GWB1 exceeded the permit limit throughout the monitoring period with a high level of 246mg/l recorded. The monitoring report states that the trigger limit for investigation is 69mg/l. The trigger limit should not reflect the actual permit limit and it is recommended that this is reviewed for future submissions.

This has been scored a CCS Category 4 breach of the permit.

Surface Water Emissions.

Condition 3.1.2 states the limits for emissions to surface water from the installation shall not exceed the limits set in table S.4.3.

Findings: Monitoring data submitted shows that SW1 (P1) did not breach the permitted emission limits during the monitoring period. SW2 (P2) breached the permitted levels for suspended solids in July with 51mg/l recorded. This is an improvement in quality compared to previous returns, although it does correspond with a drier part of the year.

Given the longstanding nature of this breach along with the breach(es) to sewer listed below, this has been scored a CCS Category 3 breach of permit requirements

Emissions to Sewer.

Condition 3.1.2 states the limits for emissions to sewer from the installation shall not exceed the limits set in table S.4.4.

Findings: Monitoring data submitted shows that emissions to sewer breached the permit limit for Chemical Oxygen Demand (COD) and total TPH during the monitoring period. COD exceeded the permit limit on one occasion, although was not discharged, TPH was significantly elevated throughout the whole period.

These breaches have been consolidated with the breach listed above.

Lateral Migration of Gas.

Condition 3.3.5 states the limits for landfill gas arising from the installation set out in schedule 4, tables S4.6, S4.7 and S4.8 shall not be exceeded.

Findings: Methane compliance limit levels were exceeded on at least one occasion at 17 monitoring locations and Carbon Dioxide at 29 locations during the monitoring period. Many of the monitoring boreholes show ratios of landfill gas consistent with potential lateral migration of landfill gas outside of the engineered containment areas and off site.

The maximum concentration of methane in perimeter boreholes of 76.2% suggests methane enrichment and large amount of gas being lost or uncaptured and laterally migrating.

As per previous comments trigger levels for investigation should not reflect the actual permit compliance limits.

These breaches have been scored a CCS Category 2 breach of permit requirements due to the long standing and serious nature of these emission limit breaches.

Leachate Heads.

Condition 2.9.1 states that the limits for the leachate listed in schedule 4 table S4.1 shall not be exceeded.

Findings: Leachate head levels remained compliant throughout the whole review period

This is a significant improvement in leachate head compliance and the first time the leachate head limits have been fully compliant throughout a whole review period in quite some time.

Notifications to NRW.

Condition 4.3.1 states that the NRW shall be notified without delay following the detection of:

- (a) any malfunction, breakdown or failure of equipment or techniques, accident or fugitive emission which has caused is causing, or may cause significant pollution.
- (b) the breach of a limit specified in the permit

Condition 4.3.2 states that any information provided under condition 4.3.1 shall be confirmed by sending the information listed in Schedule 6 to the permit within the time period specified in that schedule.

Findings: Breaches of permit emission limits are only submitted via quarterly monitoring submissions. Any breach of permit limit should be notified within 24hrs of detection.

This has been scored a CCS Category 3 breach of the permit.

Observations.

Whilst the monitoring report format is acceptable further commentary / explanation should be included as to the reasons for, or possible explanations for the breaches of the permitted limits as discussed on previous reviews of monitoring data.

Trigger limits should also be reviewed so that actions / investigations are started before the compliance limits are breached

****Report Ends****

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0032832**

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	31/10/2017

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
E3	C3	Sources of potential contamination to SW2 (P2) and issues with leachate treatment plant should be investigated	30/11/2017
E1	C2	Investigations into the control and migration of landfill gas should be instigated and measures implemented to prevent it as soon as possible.	30/11/2017
E2	C4	Review of Chloride trigger limit	30/11/2017
G4	C3	Schedule 6 reports of emission limit breaches should be reported to NRW within 24hrs as required by the permit	30/11/2017

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.