

## Compliance Assessment Report CAR\_NRW0037137

**Permit being assessed:** CB3834RQ.

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

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

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

On 13/11/2020.

Parts of permit assessed: 2.3 & 3.1 Engineering

**NRW Lead Officer:** Lara Cubley.

**Report sent to:** David Williams, Technical Manager on 13/11/2020.

### 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 - address comments and resubmit | 31/12/2020  |

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

We have reviewed the revised CQA plan (REF: ARM/BP/CP/CQAP/2.00/2020) for the proposed Composting Facility lagoon received 16/10/20.

The drawing CFESSD 1 dated 06/09/2020 included in the plan is different to another version

submitted separately, COMPLAGOON rev 00 dated 08/10/2020. As per your covering e-mail the drawing within the CQA plan is superseded by the drawing attached in zip file COMPLAGOON rev 00 dated 08/10/2020.

This version is a slightly different shape but longer so may be of greater volume. This latest drawing omits the silt trap feeding from the lagoon (which did not seem necessary anyway). The CQA plan should be revised to change the drawing reference and add text for the new changes to the berm and anchor trench details. Fundamentally there is a lack of clarity in explaining the revised design and our queries are:

1. The lagoon is now sited over part of the existing yard concrete floor. Presumably this means the concrete will be excavated in the area? It is not mentioned in the Plan.
2. The anchor trench for the FML is now shown beneath the edge of the existing concrete slab floor of the composting yard. It is difficult to see how this can be practically achieved, unless it is proposed to relay the slab in this area after completing the lagoon.
3. Similarly, we would need clarification on how the addition of the 200mm x 200mm concrete 'berm' to the edge of yard will be constructed to be assured that it will form an effective barrier to runoff from the yard. In addition, it was shown across the entire northern edge of the yard on drawing CFESSD 1 but is now only along the length of the proposed lagoon, leaving the potential for leachate to runoff the yard in the north-east corner. This appeared to be an issue from our site inspection on 12<sup>th</sup> November 2020. A design solution should address this issue.
4. There also needs to be more detail for the point where the 150mm drainage pipe feeds the lagoon through the berm. The berm is only 200mm high so I would have thought an increase in thickness is needed to strengthen the area. Is a 150mm feed to the lagoon adequate for the size of the yard? Any backing up or blockage could cause a rise in leachate levels and spillage over the low berm and off the yard.

This reference to CAR\_NRW0036653 containing comments on initial submission of CQA plan, the following still apply to the revised design:

Comment 5: re FML thickness. I think this a durability issue. A 1.5mm thickness, for example, will have a significantly greater tear and puncture resistance.

Comment 6 & 7: As no site investigation or soils testing has been carried out in the area yet it is unknown whether the soils in situ are suitable to form a low permeability barrier. Suitable soils may however be found elsewhere on the site. The plan says only suitable soils will be used. **ACTION: As such, test results must be provided prior to construction.**

Comment 10: Previously 'Method Compaction' was specified to form the Geological Barrier layer and the 'End Product Compaction' was suggested as more appropriate for improved quality. The revised report does not specify the form of compaction, which determines whether certain soil tests are required.

Comment 4, 8, 9, 12 and 16 still apply to the revised CQA Plan and require addressing.

Comment 13 still applies and required addressing.

**ACTION 1: The Operator must respond to NRW in writing, detailing how each**

**comment has been addressed and re-submit an updated CQA plan for review and acceptance prior to commencing construction.**

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.