

## Compliance Assessment Report CAR\_NRW0037162

**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:** Site Inspection, Reason: Routine.

On 12/11/2020 between 11:45 and 15:30.

Parts of permit assessed: Various

**NRW Lead Officer:** Jamie Blythin, accompanied by Lara Cubley.

**Report sent to:** David Williams/Deborah Hall, Technical Manager/EH&S Compliance Manager on 27/11/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B4 - Infrastructure - Containment of stored materials	C3 Minor	3.2.3

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
1	4

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
B4	Ensure all polluting material is stored appropriately including the provision of adequate bunding.	10/12/2020

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.

**You are non-compliant with your permit.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

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

This was a routine inspection and also served as a site orientation visit as it was the first time Jamie Blythin had been to the site.

Officers were accompanied by the Technical Manager (TM) and the Environment, Health, Safety and Compliance Manager (EHSCM) during the inspection.

### **Waste Acceptance**

The site has not yet started accepting waste following the issue of the varied and consolidated permit on 08/09/20.

The acceptance of waste is dependent on the acquisition of a new compactor for the site. A compactor has been ordered and staff are hopeful that waste acceptance and tipping will commence soon. However, no specific date was given. There are also a number of pre-operational conditions which require satisfying prior to resuming waste acceptance.

During the inspection EHSCM e-mailed pre-operational condition 3- pre-acceptance of waste to NRW for approval. On approval of pre-operational condition 3, pre-operational condition 4 pertaining to training must be completed. The operator was reminded that pre-operational condition 2 regarding waste contours is outstanding.

Officers asked the TM where the waste would be coming from. There were no contracts in place, and he said it is likely that waste will be sourced from the operator's other permitted sites.

### **Surface Water**

Officers observed a field drain which flows onto site by the gas compound. This watercourse is not identified on any site plans and should be added. This was discussed with the TM

Discussions were held regarding the IC10 & IC11 submissions and particularly regarding the proposed improvements. Concerns were raised by NRW with respect to control of solids during construction works and restoration. The operator referred to their Surface Water Management Plan for control procedures.

NRW raised concerns regarding proposed end of pipe treatment and questioned whether control of solids could be achieved via other more conventional methods such as management of levels within lagoons. The operator was adamant that they have been unable to control solids on the site over the years due to the fine nature of the solids related to the geology. The operator reported that bench tests had been conducted.

NRW informed the operator that a Normal Variation will be required for the proposed surface water treatment. The operator requested justification of this which NRW will send with advice and guidance. This had been completed at the time of writing the CAR form.

NRW in principle agree with the proposed improvements, however, the operator will need

to justify why they are not proposing to undertake some of the additional measures suggested in the report. NRW are also seeking confirmation of timescales on installation of the toe drains as getting these in place prior to construction/restoration works would mitigate some of the impact.

Officers inspected the 3 surface water storage lagoons in the east of the site and the TM gave an overview of how they function. Lagoons 1 and 2 reportedly have pumps in place for manual discharge to the Bradnant. These were not in use and the discharge point to the Bradnant couldn't be located during the inspection. The high-level overflow in lagoon 2 was clearly visible as was the white discharge pipe discharging to the Bradnant at the time of the inspection. The high-level overflow for lagoon 1 appears to be overtopping on a plastic liner to the Bradnant. The Site Manager (SM) confirmed that the pumps aren't really used to manually discharge lagoons. Instead passive high level overflows direct surface water offsite.

Behind the generator (near surface water storage lagoons), officers observed diesel stored unbunded approximately 1m from a watercourse. There was evidence of staining on the ground.

Condition 3.2.3 of the permit states 'All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.'

NRW considers this to be a breach of condition 3.2.3 with the potential for a minor environmental impact (B4- CCS3).

**Action 1**- Ensure all polluting material is stored appropriately including the provision of bunding.

See CAR\_NRW003681 Action 1 still outstanding.

### **Incinerator/Co-incinerator Bottom/Fly Ash**

The biomass boiler was running, and site staff gave an overview of the infrastructure and incineration process. Shredded waste wood is transported to Bryn Posteg from the operator's other permitted sites which is then incinerated. Officers were not able to access the fuel/ waste store for the incinerator to inspect the waste as staff said breathing apparatus is required.

Ash from the incineration process (bottom ash and fly ash) is currently being stored in skips within the MRF area of the site (under conveyor belt) before it is removed from site.

It is understood that incinerator Bottom Ash is currently coded as EWC 100101- Bottom ash,slag and boiler dust (absolute non-hazardous). Fly ash is currently coded as EWC 100103- Fly ash from peat and untreated wood (absolute non-hazardous).

Within the permit, the biomass boiler is classified as a Section 5.1 part B(a)(V) activity - small waste incinerator and not as a power station. The following waste codes would be more appropriate to use:

**Bottom ash**

EWC 100114\* - bottom ash, slag and boiler dust from co-incineration containing hazardous substances

or

EWC 100115- bottom ash, slag and boiler dust from co-incineration other than those mentioned in 100114

**Fly ash**

EWC 100116\*- fly ash from co-incineration containing hazardous substances

or

EWC 100117- fly ash from co-incineration other than those mentioned in 100116.

As the waste codes above are mirror entries, the wastes require hazardous properties/ waste assessment as per WM3 guidance to determine the correct waste codes.

On 04/09/20, the operator was asked to assess the bottom ash and fly ash in line with WM3 guidance. As part of this waste assessment, it is understood that the operator took samples of the bottom ash and fly ash at the end of July 2020 and sent them to a laboratory to be analysed. During the site inspection, officers were told that the scheduled analysis of these samples had been delayed due to issues with the laboratory. As a result, the operator stated they had taken a different set of samples and sent these to a different laboratory (DETS laboratory) for analysis.

**ACTION 2-** The operator must submit the WM3 assessment in relation to the bottom ash and fly ash together with laboratory certificates by 12/12/20. At time of writing this report, the laboratory analysis had been received for bottom ash - The operator must still complete the WM3 assessment for submission to NRW and submit fly ash lab certification.

**ACTION 3-** The operator must forward correspondence and results relating to the initial samples sent to Terratech labs by 04/12/20.

**Leachate Treatment Plant Sludge**

Further discussion was had regarding disposal of leachate treatment plant sludge to the Bryn Posteg landfill. NRW re-iterated that this waste can be accepted for disposal in the landfill, however, permit conditions apply for acceptance and the tonnage deposited must be recorded.

The operator confirmed that this disposal of waste does not confer any benefit other than financial/cost savings achieved by avoiding the need for offsite disposal. The operator requested NRW to confirm its position by responding to the latest e-mail chain on the matter.

**Gas Engines**

The SM confirmed that Engine 2 was up and running again following an engineer's visit to site.

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.