

Compliance Assessment Report CAR_NRW0037304

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 07/01/2021.

Parts of permit assessed: Surface Water Management

NRW Lead Officer: Lara Cubley.

Report sent to: David Williams / Deborah Hall, Technical Manager / EH&S Compliance Manager on 29/01/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B3 - Infrastructure - Site drainage engineering (clean and foul)	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
B3	See report - please address comments	01/03/2021

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

This Compliance Assessment Report describes some of the background of the site with respect to surface water management and provides a review of two improvement

conditions (IC10 & IC11) provided as required by the latest permit variation (V009) issued on 08/09/20. It also considers current surface water management plans and the permit impacts.

Background

Previous proposals for surface water management at the site have involved the construction of a reed bed at the outlet of the western catchment to an outfall to the Afon Bradnant (SW3). However, this reed bed or outfall have never been constructed as required.

Various proposals for improvements and Surface Water Management Plans have been received over the years but the two documents listed below are currently incorporated into the Permit's operating techniques:

- Surface Water Management Review (ref 3221-CAU-XX-XX-RP-V-300-A0-C1 January 2018) received 16/02/18 in response to Improvement Condition 7 permit variation V007; and,
- Surface Water Management Plan (3428-CAU-XX-XX-RP-V-0300 March 2018) received 12/04/18) in response to S61 Information Notice.

A further document which forms part of the Operators Environmental Management System was provided on 12/11/20 during the site inspection (see CAR-NRW0037162) - Integrated Management System - Surface Water Monitoring & Management - LNF Document no.EMS-3-13.05-LNF Version No.1.

Improvement Conditions IC10 & IC11 Permit Variation 009

IC10 & IC11 required:

10	The operator shall prepare a report and submit it to Natural Resources Wales detailing the existing surface water management system. The report shall include a detailed description of all surface water drainage infrastructure and shall describe the operational performance of that infrastructure and the relevant management techniques. It shall also include a drawing or drawings showing the location and extent of all infrastructure.	Within 1 month from the date of this permit variation
11	The operator shall prepare a report and submit it to Natural Resources Wales detailing the proposed improvements to the surface water management system so as to achieve compliance with permit emission limits to surface water. This shall describe design changes and methodology proposed both during the operational phase and the closed phase of the landfill. The report shall include a detailed description of all surface water drainage infrastructure with accompanying design drawings as is proposed and shall describe the proposed operational performance of that infrastructure and the relevant management techniques. It shall also include a drawing or drawings showing the location and extent of all proposed infrastructure.	Within 3 months from the date of this permit variation

In response to the above improvement conditions the following reports were provided to timescales required:

- IC10 - Surface Water Management Review of Existing Arrangement 4500-CAU-XX-XX-RP-V-0300 May 2020 received 09/07/20;and,

- IC11- Surface Water Management Improvements 4500-CAU-XX-XX-RP-V-0310 September 2020 received 21/09/20.

A couple of documents referenced in the above reports were requested as NRW did not have a copy. These were provided on 18/01/21.

NRW have reviewed the two improvement condition response reports. We requested clarification to some of their contents in an e-mail dated 25/10/20 to which the operator duly responded.

NRW also reviewed existing surface water management systems and discussed some of the proposals with the Operator during a site inspection on 12/11/20 (CAR_NRW0037162).

Whilst NRW generally accepts that the reports meet the improvement condition requirements it still has the following comments which require resolving/addressing:

Comments

1. The Operator must justify why some additional measures are chosen over others and why some may not be undertaken, i.e. lagoons impermeable lining material, haul road surfaces.
2. The Operator should provide data/evidence i.e. settleability tests to justify the requirement for treatment over provision of sufficient settlement capacity to allow the discharge limits to be achieved. These can be provided as part of the variation application.
3. There is some confusion/contradiction in documents and responses as to how the 3 western lagoon's discharge to the Afon Bradnant are currently managed/controlled. From site inspection NRW believe the current situation to be purely via passive high level overflow with no manual pumping. The Operator should confirm this and assess whether improvements could be made to this situation at least in the short term until treatment proposals are developed and approved.
4. It is reported that the southern groundwater cut-off drain is thought to outfall to lagoon 2 but this is not confirmed. Please provide proposals for investigation and confirming this situation.
5. Although we understand that the surface water from the biomass building and small areas of hard standing in this vicinity do not have gullies or drains within them drainage plans for other areas of hardstanding should be provided. We also recall some drainage having been installed at the site entrance to take surface water from this area into the northern cut-off channel. Other areas of hardstanding i.e. weighbridge/roads, MRF area (including pumped line location/construction to leachate treatment plant) should be provided on a plan.
6. Drawing 4500-CAU-XX-XX-DR-D-1802 Plan of Existing Hydraulic Features shows a cut-off ditch across track E2 entering Lagoon 1. We understand that this takes run-off from the tumble bays and do not recall an engineered cut-off drain across the track to Lagoon 1. Please provide further evidence of this cut-off drain or proposals for cut-off drain, although a culvert may be more suitable given track access requirements.
7. Please add locations of 2 piped outfalls to the Eastern cut-off channel (IC10, Section

5.2.6) to the Plan of Existing Hydraulic Features.

Actions

ACTION 1: Please respond to address the above comments by the 01/03/21 or otherwise agreed.

Impact on Permit

We have already discussed with the operator the requirement to submit a normal variation for the treatment of surface water as outlined in the proposed improvements. Advice and guidance has already been given regarding the variation requirements (i.e. H1 assessment and all controls / schematics for treatment system/lagoons).

Further to delivering Improvement Condition requirements IC10 & IC11, it would appear that the Surface Water Management Plan (3428-CAU-XX-XX-RP-V-0300 March 2018) is not fully representative of the current situation or proposed improvements. The Operator must submit a revised Surface Water Management Plan. This could be as part of the normal variation or to separate agreed timescales with NRW.

Advice & Guidance

The Operator should ensure that suggested control measures during construction & restoration works are translated into actions on the ground (i.e. via method statements) so as to prevent discharge of surface waters at P1 & P2 exceeding suspended solids limits.

The Operator should now plan to put the proposed improvements into place and keep NRW appraised of progress. Note that additional construction proposals should be submitted to the satisfaction of NRW as required by Condition 2.6.5, i.e. culvert designs etc prior to construction. Agreed construction proposals must be followed and any changes should be agreed in accordance with Condition 2.6.6.

The revised Surface Water Management Plan should include management controls and operation of the surface water treatment system and drawings of all hydraulic features should be kept up-to-date.

Integrated Management System - Surface Water Monitoring & Management (LNF Document no.EMS-3-13.05-LNF Version No.1)

NWR have reviewed this document provided 12/11/20. It is generic and not specific to Bryn Posteg Landfill Site in that it could apply to any landfill. It is also unclear as to how this document ties in to the Surface Water Management Plan (3428-CAU-XX-XX-RP-V-0300 March 2018).

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.