

## Compliance Assessment Report CAR\_NRW0036908

**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 15/10/2020.

Parts of permit assessed: Report/Data review

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

**Report sent to:** David Williams/ Deborah Hall, Technical Manager/ EHS Manager on 16/10/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.2.3 and 3.7.1
E2 - Emissions - Land and groundwater	C2 Significant	3.1.7,3.1.5 and 2.7.1
E3 - Emissions - Surface water	C3 Minor	3.1.2

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

Total number of non-compliances recorded	Total non-compliance score
3	39

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
G4	See actions 1 and 8	18/11/2020
E2	See actions 2,6 and 7 (varying due dates)	18/11/2020
E3	See action 5	18/11/2020

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.**

**We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.**

## 4. Details of our assessment

### Introduction

We have reviewed the report 'Sundorne products (Llanidloes) Limited - Bryn Posteg landfill site

Permit: BU7766IC

2nd quarterly monitoring report 2020.'

This report was submitted to NRW on 04/08/20. Condition 4.2.3 requires that quarterly returns are submitted to NRW within 28 days of the end of the reporting period (29/07/20).

This permit condition has been breached as the monitoring returns were submitted late (G4 CCS4- consolidated with condition 3.7.1).

**ACTION 1-** Please ensure monitoring returns are submitted to NRW within 28 days of the end of the reporting period. If you are experiencing delays due to COVID 19 which may impact your ability to submit quarterly returns by the deadline, please notify NRW in advance and agree an extension date for submission.

### Leachate levels -Table S3.1

Monthly leachate levels for the monitoring points have been provided.

Condition 2.7.1 requires leachate levels to be less than 1m above the sump base. Leachate levels exceeded this for all monitoring points between April - June 2020.

In total there were 54 exceedances across all monitoring points between April-June 2020.

Leachate levels as high as 12.2m above sump base were recorded at monitoring point RMPL9D/GW309. RMPL9C1/GW325 records a high level of 9.34m above sump base. Other monitoring points remain below 4m apart from the following points: LCP1 (4.45m),RMPL9B/GW35 (4.47m),RMPL9B/GW35 (4.62m),RMPL9C/GW325 (4.35m) and RMPL9D/GW309 (4.32m).

NRW considers the operator to have breached Condition 2.7.1 with the potential for a minor risk to the water environment (E2 CCS3- consolidated with Conditions 3.5.1 and 3.1.7).

**Action 2-** The operator shall use suitable resources (financial and technical) to reduce leachate heads in all landfill cells to below the 1m above sump base compliance limit listed in the permit immediately.

### Leachate quality -Table S3.9

The operator has provided monthly raw leachate quality data for the points specified in

table S3.9 of the permit. The report only provides data for PH.

Monthly measurements of NH<sub>4</sub>-N and chloride for the raw leachate are not included.

In the Q1 monitoring report review (CAR\_NRW0036858) the operator was asked to include monthly NH<sub>4</sub>-N and chloride measurements for raw leachate in subsequent quarterly returns going forward.

**ACTION 3-** The operator has not received a non-compliance score for this but please ensure that analysis for monthly NH<sub>4</sub>-N and chloride are completed for raw leachate and reported in quarterly monitoring returns going forward.

#### **Treated leachate quality** - Table S3.4

The operator has reported monthly leachate quality data following treatment at the effluent treatment plant as required by table S3.4. However, units have not been provided.

It is assumed that that data provided refers to mg/l. If so, then the determinants provided for treated leachate are in compliance with the limits in table S3.4.

**ACTION 4-** The operator has not received a non-compliance score for this but please can you confirm in writing what units were used for the treated leachate data by 06/11/20 and ensure units are provided on all quarterly monitoring return reports going forward.

#### **Surface water**-Table S3.3

Condition 3.1.2 states that the limits in Table S3.3 shall not be exceeded. Monthly monitoring data has been provided and shows that location SW1 exceeded the permitted limit of 50mg/l for suspended solids in May (91mg/l) and June (202mg/l).

NRW considers the operator to have breached Condition 3.1.2 with the potential for minor impact on surface waters (E3-CC3)

**ACTION 5-** The operator should use all suitable resources (financial and technical) to ensure compliance with the limits specified in table S3.3. Documents have been submitted to NRW in response to improvement conditions 10 & 11 of the recent permit variation.

#### **Groundwater** -Tables S3.5 and S3.10

The operator has provided groundwater monitoring data. However, they have provided monthly readings for water levels rather than weekly readings as specified in Table S3.10.

Condition 3.1.5 states that the trigger levels for emission to groundwater for the parameters and monitoring points set out in Table 3.5 shall not be exceeded. The Chloride concentration in W01 exceeded the limit of 69mg/l with a value of 383.1 mg/l on 05/06/20.

NRW considers the operator to have breached Condition 3.5.1 with the potential for a

minor impact on the water environment (E2 CCS3 consolidated with Conditions 2.7.1 and 3.1.7).

**ACTION 6-** The operator believes W1 chloride concentrations to be caused by road salt. Appropriate measures to prevent contamination of the groundwater borehole should be implemented as far as reasonably practicable and a variation application should be submitted with enough evidence to demonstrate this is the case, suggesting updated trigger levels for this location by 31/01/21.

#### **Landfill gas in external monitoring boreholes** - Table S3.6

The operator has submitted monitoring data for landfill gas in external boreholes situated around the perimeter of the waste mass. Data for atmospheric pressure, temperature and meteorological data has been provided for April- June.

In total, there were 24 occurrences when the methane result exceeded the compliance limit of 1%v/v and 40 occurrences when the carbon dioxide result exceeded the compliance limit of 1.5%v/v.

Methane concentrations as high as 77.3% (BPW00923) and carbon dioxide concentrations as high as 29.2% (BPW00924) were recorded.

NRW considers Condition 3.1.7 to be breached with the potential for a significant environmental impact (E2 CCS2- consolidated with conditions 2.7.1 and 3.5.1).

**ACTION 7-** The operator should pursue the recommended actions within the Gas Extraction System Audit report (Document reference:3919-CAU-XXXX-RP-V-0302.A0.CA November 2019) submitted to NRW on 12/02/20. The operator should provide an update in writing regarding progress against these actions by 18/11/20. CQA plans to be provided as required by the permit.

#### **Landfill gas - other monitoring requirements** Table S3.8

The operator has provided monthly landfill gas collection system data. However, no units have been provided.

The data shows there have been 25 instances where oxygen levels have risen above 5% in the gas wells and 98 instances where the gas balance has been recorded above 20%.

The operator states that corrective actions have been implemented and have resulted in 54 wells recovering within the 3 month period. 34 wells are being monitored into the next period.

There have been 8 instances where carbon monoxide concentrations have been above 100ppm. Carbon monoxide concentrations as high as 320ppm have been recorded

(BP1W0325-21/06/20)

The permit requires that investigations shall be undertaken by the operator where the concentration of carbon monoxide exceeds 100ppm. NRW has not received any evidence that these investigations have been carried out or any updates regarding measures taken/proposed to address elevated levels of carbon monoxide.

NRW considers Condition 3.7.1 to be breached with the potential for a minor environmental impact (E2 CC3 consolidated with condition 4.2.3).

**ACTION 8-** The operator shall provide an update of investigations into elevated levels of carbon monoxide, measures being taken or proposed by 18/11/20. The gas management plan should be followed.

#### **Ambient air** -Table S3.11

The operator has provided data for particulate matter for the quarter as required by Condition 3.7.1 (e). This confirms the limit of 200mg/m<sup>3</sup>/day required by Condition 3.1.8 table S3.11 of the permit was complied with.

#### **Notifications**

The following table summarises the notifications received from the Operator for the period April-June 2020 as required by condition 4.3 of the permit.

Date NRW notified	Part A	Part B
15/06/20	Incident believed to have occurred 29/05/20. Suspended solid level measured as 91 mg/l against compliance limit of 50mg/l	No separate part B sent. Measures taken-sample point will be samples ASAP.
15/06/20	Incident believed to have occurred 29/05/20. Chloride level measured as 371 mg/l for GW1 against compliance limit of 69mg/l.	No separate part B sent. Measures taken-Borehole 1 is a legacy borehole.

NRW has not received any part A or B notifications for non-compliances relating to leachate levels or landfill gas for this quarter. Please ensure that all part A and B notifications are submitted to NRW as required by condition 4.3 of the permit.

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.