

Compliance Assessment Report CAR_NRW0038285

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 30/04/2021.

Parts of permit assessed: Annual Performance

NRW Lead Officer: Rebecca Harwood.

Report sent to: David Williams / Deborah Hall, Technical Manager / EH&S Compliance Manager on 13/07/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E2 - Emissions - Land and groundwater	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	3.7.1 & 4.2.2
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Action only (X)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	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
1	0.1

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
E2	Action 1: Undertake a review of the dry boreholes and provide recommendations for re-drilling in order to sample all groundwater stratas. Regular sampling is required from all groundwater strata, addressing this issue now would assist the site when the Operator applies for definite closure.	31/12/2021
G4	Action 2: Ensure future monitoring returns are submitted within the timescales specified within the permit.	31/01/2022
G1	Action 3: Please provide the landfill void data, the settlement	30/06/2021

Criteria	Action needed	Complete by
	behaviour of the landfill body and a calculation of remaining void required by Condition 4.2.2(e-g).	
G1	Action 4: Ensure future plans reference monitoring points and their elevations eg leachate wells.	31/12/2021

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.

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

Introduction

We have reviewed the report '*Bryn Posteg Landfill Annual Report 2020.*'

This report was submitted to NRW on 31st January 2021. Condition 4.2.2 requires that a report or reports on the performance of the activities over the previous year shall be submitted to Natural Resources Wales by 31 January.

Review of Monitoring results

Condition 4.2.2(a) requires a review of the results of the monitoring and assessment carried out in accordance with this permit against the relevant assumptions, parameters and results in the risk assessments submitted in relation to this installation and any agreed amendments thereto.

Advice and guidance: Future annual reports should reference how the site is performing in relation to models and expectations; e.g. is the gas generation as expected from any GasSim modelling.

In waste gas wells were monitored and balanced on a weekly basis. A summary of the average concentrations of the parameters has been provided and reflects the results submitted as part of the quarterly returns. The Operator stated they are undertaking an investigation into the potential air ingress into these wells early in 2021. Nb: Findings from the gas well audit were submitted to NRW on 12th May 2021.

Perimeter gas monitoring was undertaken weekly. A summary of the average

concentrations of the parameters were provided and reflects the results submitted as part of the quarterly returns. The report notes that a cut off trench was constructed along the north eastern boundary to facilitate leachate and gas extraction. The Operator has stated that the gas trench continues to be trialled in order to reduce perimeter landfill gas concentrations along this flank and is being monitored closely to identify any trends.

Leachate levels have improved across the site during the course of the year and were generally in compliance by the end of 2020. The annual analysis of leachate was undertaken in December 2020. As part of the hazardous substances suite, 37 parameters were detected in the leachate chambers.

Groundwater is sampled at locations W1 – W9 as required by Table S4.5 in the EP. W10 was dry for the majority of the year and W11 was dry throughout. The full annual suite was undertaken in December, including a hazardous substances suite, no substances were recorded above the limit of detection.

Action 1: Undertake a review of the dry boreholes and provide recommendations for re-drilling in order to sample all groundwater stratas. Regular sampling is required from all groundwater strata, addressing this issue now would assist the site when the Operator applies for definite closure.

Surface water samples were collected at P1 and P2. Concentrations of ammoniacal nitrogen and suspended solids exceeded the compliance limits as identified in the quarterly reports.

Dust monitoring was carried out quarterly and concentrations remained below the compliance limit.

Point Source Emissions to Air Table S3.2

The landfill gas flare stack was monitored, in accordance with Condition 3.7.1(b), on 15th December 2020. All ELVs were compliant with Table S3.2.

Advice and Guidance: Biomass monitoring will be required no later than 8th September 2021.

Landfill Gas from Capped Surfaces Table S3.7

A Flame Ionisation Detector (FID) walkover survey of the landfill was carried out, in accordance with Condition 3.7.1(d), on 23rd September 2020. The results indicate a significant improvement from 2019. The emissions monitoring results, as required by Condition 4.2.3, were submitted to NRW on 11th February 2021.

Landfill Gas – other monitoring requirements Table S3.8

Annual trace gas analysis in accordance with Condition 3.7.1(b) was undertaken on 15th December 2020 and submitted to NRW on 11th February 2021. 14 trace gases were detected; Toluene, Benzene and Vinyl Chloride showed the highest concentrations.

Annual Report Condition 4.2.2 Table S4.2/S4.3

Energy consumption at the site has been reported, as required by Condition 4.2.2(b), and remains similar to 2019.

Annual production/treatment as required by Condition 4.2.2(c) was provided for leachate. 38,193m³ was disposed of to sewer, an increase from 2019 and 4,008m³ was disposed of at an offsite effluent treatment plant, a decrease from 2019.

The normalised cubic metres combusted in the flare and gas engines was supplied on the 13th May 2021. Combustion figures show 1,155,567 and 4,509,005 normalised m³/year were combusted through the flare and gas engine respectively.

The Operator has stated that the topographical surveys required by Condition 3.7.3 and Condition 4.2.2(d) were completed at the end of 2020. The 2020 survey was submitted to NRW on 13th May 2021. The report states that these show that there is little, if any, difference between those submitted in 2019, however, no information relating to Conditions 4.2.2(e-g) has been provided.

NRW considers the delay in submission a breach of Condition 4.2.2(c) (Consolidated with Condition 4.2.2(d-g) and Condition 3.7.1) (G4 – CCS4).

Action 2: Ensure future monitoring returns are submitted within the timescales specified within the permit.

Action 3: Please provide the landfill void data, the settlement behaviour of the landfill body and a calculation of remaining void required by Condition 4.2.2(e-g) to NRW by 30th June 2021.

Action 4: Ensure future plans reference monitoring points and their elevations e.g. leachate wells.

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.