

Compliance Assessment Report CAR_NRW0038549

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 29/07/2021.

Parts of permit assessed: Leachate lagoon CQA plan review

NRW Lead Officer: Jamie Blythin.

Report sent to: Will Tedder, Site Manager on 03/08/2021.

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	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.	01/10/2021

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

We have reviewed the CQA plan for the leachate balancing lagoon (CQA Plan for the installation of erosion control system and re-seeding at Bryn Posteg Landfill. Torus Engineering Limited. Report Version 1.1, 25/06/2021 for Sundorne Products Ltd) sent to Natural Resources Wales (NRW) on 02.07.21.

Background

The CQA Plan submitted to NRW on 02.07.21 is based on a 2020 study of the stability of the southwestern corner of the lagoon bund where inspection showed erosion of the slope soils. The report gave recommendations for the remediation of the slope and prevent further deterioration:

BRYN POSTEG LANDFILL, TYLWCH ROAD, LLANIDLOES, SY18 6JJ

LEACHATE LAGOON - SLOPE STABILITY ASSESSMENT REPORT

e-geo Solutions Ltd. Report No. E1224.SSA.R1, May 2020 for Potters Waste Management

This report was reviewed by NRW in relation to the engineering issues in 2020.

The leachate lagoon is approximately 60m in length and 30m wide and is constructed partially within and partially above the existing ground level. The embankment is at its highest in the south-east corner where the indications of instability have been observed. In addition, the lagoon slopes are at its steepest in this corner (approximately 2H:1V). The e-geo report recommended improving the stability of this section of slope by shallowing the slope angle with material placed on the slope behind gabion baskets at the toe of the slope.

Further work has been done for the CQA Plan by Torus which included a slope stability analysis. On the basis of the results of the analysis it was concluded that shallowing the slope angle was unnecessary and it would be sufficient to place seeded topsoil on the slope to replace the lost soils and use erosion control matting to assist in the establishment of vegetation.

NRW comments:

1. The slope stability analysis has been carried out using the Culmann wedge method. The factors of safety obtained (9.4 and 14.5) appear very high for a circa. 2H:1V embankment slope constructed of soft to firm slightly sandy slightly gravelly CLAY (see Section 2.2 e-geo report). This method is probably more suitable for steeper slopes and may not adequately model the typical failure mode. It is recommended that the slope factor of safety is obtained by carrying out analyses for translational and circular arc failure. The method would also allow the impounded lagoon water to be

included in the model. Only if the factors of safety for these failure criteria are satisfactory should the works be carried out at the existing slope angles.

2. There should be more clarity on the proposed area of the layout of the topsoil/matting and position of anchor trenching on the plan. This is to ensure the works do not compromise the lagoon Flexible Material Liner (FML).
3. The e-geo assessment report (*No. E1224.SSA.R1, May 2020 for Potters Waste Management*) stated that full slope failure is unlikely as this would have occurred soon after construction. This is not necessarily true for a lagoon structure which has been built on a slope and hence impounds water. Seepage into the earth bund walls from leakage, should the FML be damaged, can potentially induce deep seated failure.

It is recommended that the Environmental Management System (EMS) and Site Operating Procedures (SOPs) are updated to include procedures to ensure the lagoon slopes are regularly inspected for stability which includes reporting any seepages apparent on the slope surfaces.

At present, NRW cannot approve the CQA plan for the installation of erosion control system and re-seeding at Bryn Posteg Landfill. Torus Engineering Limited. Report Version 1.1, 25/06/2021 for Sundorne Products Ltd sent to NRW on 02.07.21 for the reasons outlined above.

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 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.