

Compliance Assessment Report CAR_NRW0038707

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 25/08/2021 between 12:40 and 14:40.

Parts of permit assessed: Site inspection and Schedule 5 notification Ref- BP Welshpool yard water 230821

NRW Lead Officer: Jamie Blythin, accompanied by Paul Challender.

Report sent to: Deborah Hall , Environment, Health and Safety Compliance Manager on 30/09/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C3 - General Management - Materials acceptance	C3 Minor	2.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.3.1

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
C3	Action 1: Review waste acceptance procedures to ensure only storage and treatment of leachate arising from Bryn Posteg Landfill takes place within the leachate balancing lagoon/ treatment lagoon. Provide an update to NRW detailing what actions have been taken by the date specified.	29/10/2021
G4	Action 2: Review site notification procedures to ensure that NRW are notified immediately in the event of a breach of any permit condition. Provide an update to NRW detailing what actions have been taken by the date specified.	29/10/2021

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.

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

This site inspection was carried out to assess the levels in the leachate treatment lagoon and balancing lagoon, following the temporary cessation of the discharge from the leachate treatment lagoon at the request of the Sewerage Undertaker (Hafren Dyfrdwy Cyfngedig) on 16.08.21.

At the time of the inspection, both lagoons appeared to have adequate capacity. The leachate treatment lagoon had a freeboard level of approximately 1-1.5m and the balancing lagoon had a freeboard level of approximately 1.5-2m.

Acceptance of unauthorised waste

On 13.08.21, there was a fire at the Potters Yard waste transfer station in Welshpool (EPR BP3090ST). With reference to Schedule 5 notification (Ref BP Welshpool yard water 230821), the operator transported two tanker loads (25,960 kg + 26,200kg) of firewater from EPR3090ST to Bryn Posteg Landfill and deposited them in the leachate balancing lagoon between 13.08.21 and 14.08.21.

As specified in the permit (Bryn Posteg landfill EPR/BU7766IC), condition 2.1.1-The operator is only authorised to carry out the activities specified in schedule 1-Operations, table S1.1 activities, Section 5.4 Part A(1)(a)(i) Disposal of non-hazardous waste in a facility with a capacity exceeding 50 tonnes per day by biological treatment-Storage and treatment of leachate arising from the landfill.

NRW considers the acceptance of firewater from EPR BP3090ST into the balancing lagoon at Bryn Posteg a breach of permit condition 2.1.1 (C3-CCS3).

Action 1: Review waste acceptance procedures to ensure only storage and treatment of leachate arising from Bryn Posteg Landfill takes place within the leachate balancing lagoon/ treatment lagoon. Provide an update to NRW detailing what actions have been taken by the date specified.

The operator states that the firewater was taken to Bryn Posteg Landfill during an emergency. However, NRW were not contacted to discuss the potential disposal of the firewater at Bryn Posteg Landfill prior to its acceptance. This waste should have been taken to a site that was permitted to accept it. It is unclear what other options were considered and what attempts were made by the operator to ensure this waste was taken to a site permitted to accept it.

Following the acceptance of the firewater waste at Bryn Posteg, the Sewerage Undertaker instructed the operator to stop discharging from the leachate treatment lagoon (16.08.21) as the trade effluent discharge consent (ref 006247V) does not authorise the discharge of this waste stream.

In an email sent on 25.08.21 to NRW, the operator confirmed that they deposited the firewater directly into the balancing lagoon at Bryn Posteg and there had been no transfer between the balance lagoon and the treatment lagoon between 13.08.21-15.08.21.

On 16.08.21, the transfer pumps were switched on at approximately 07:30hrs and the discharge to sewer from the leachate treatment lagoon was stopped at 08:00hrs. The operator estimates that from a maximum of 2,700 litres discharged from the leachate treatment lagoon to the sewer, 0.3 litres of this was firewater. The operator calculated this estimate using the following reasoning: the dilution factor is approximately 17:1 (leachate: firewater) in the balance lagoon. Approximately 2 cubic meters of the balance lagoon water was transferred over to the treatment lagoon, where there is a further dilution factor of approximately 500:1 (leachate: balance lagoon water).

On 26.08.21, the Sewerage Undertaker confirmed that the operator was now authorised to restart the discharge from the leachate treatment lagoon to the sewer. The firewater contained within the balancing lagoon would be dealt with separately.

The operator applied to the Sewerage Undertaker for a short term discharge authorisation to discharge the waste contained in the balancing lagoon. On 29.09.21, the Sewerage Undertaker approved this short term discharge authorisation (subject to receiving a signed copy of the authorisation from the operator).

Notifications

As discussed above, the operator deposited 2x tanker loads of unpermitted waste (firewater from Welshpool, transfer station) into the balancing lagoon at Bryn Posteg Landfill between 13.08.21-14.08.21 which NRW considers is a breach of permit condition 2.1.1.

The site inspector was not notified of this permit breach until 20.08.21 when they were copied into an email sent to the Sewerage Undertaker discussing the deposit of firewater into the balancing lagoon at Bryn Posteg Landfill. A schedule 5 notification (ref Welshpool yard water 230821) was only received after it was requested by NRW in a discussion with the operator on 23.08.21. An update to this schedule 5 notification was sent to NRW on 31.08.21.

NRW considers this a breach of permit condition 4.3.1 (b) which states

'in the event of a breach of any permit condition the operator must immediately-

- (i) inform Natural resources Wales, and
- (ii) take the measures necessary to ensure that compliance is restored within the shortest possible time.'

(G4-CCS3).

Action 2: Review site notification procedures to ensure that NRW are notified immediately in the event of a breach of any permit condition. Provide an update to NRW detailing what actions have been taken by the date specified.

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.