

## Compliance Assessment Report CAR\_NRW0038835

**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 27/09/2021.

Parts of permit assessed: Q2 April-June monitoring returns and schedule 5 notifications

**NRW Lead Officer:** Jamie Blythin.

**Report sent to:** Deborah Hall , Environment, Health and Safety Compliance Manager on 18/10/2021.

### 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	Ongoing (O)	3.1.5
E1 - Emissions - Air	C3 Minor	3.1.7
E1 - Emissions - Air	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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	4

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	The operator submitted a permit variation to NRW 26.05.21. As part of this variation, the operator has applied to increase the chloride limit for groundwater monitoring point W01 from 69mg/l to 500mg/l.	Already completed
E1	ACTION 1- Operator to continue to follow gas management plan and ensure efficient collection and utilisation of landfill gas. Provide an update to NRW by the due date in relation to what actions have been taken to address the exceedances in the external monitoring boreholes identified above.	15/11/2021

Criteria	Action needed	Complete by
E1	ACTION 2: Action only- with reference to the above, provide an update on what assessments/ investigations have been carried out and what actions have been taken.	15/11/2021
G4	ACTION 3: Action only- please provide a completed part B notification for BP/GW/Q2/2021/002 which was submitted to NRW on 26.07.21.	15/11/2021
G4	ACTION 4: Action only- with reference to action 10 (CAR NRW0038463 issued 26.07.21), please provide an updated part B notification for the treated effluent incident (schedule 5 parts A and B originally submitted to NRW 07.06.21) and ensure this has a unique reference number.	15/11/2021

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 report 'Sundorne Products (Llanidloes) Limited- Bryn Posteg Landfill site, Permit: BU7766IC, 2<sup>nd</sup> quarterly monitoring report 2021.'

This report was submitted to NRW on 26.07.21. Condition 4.2.3 requires that quarterly returns are submitted to NRW within 28 days of the end of the reporting period. This report was submitted within this time frame.

#### **Leachate levels- Table S3.1**

Monthly leachate levels for the monitoring points have been provided. Condition 2.8.1 requires leachate levels to be less than 1m above the sump base.

The data indicates that leachate levels are less than 1m above the sump base for all monitoring points.

#### **Leachate quality- Table S3.9**

The operator has provided monthly leachate quality data including Ammoniacal Nitrogen (as N), Chloride and pH for the quarter. Monitoring data for the following parameters were also provided for June: Chromium, lead, Copper, Nickel, Zinc, Calcium, Magnesium, Total Cyanide, Total Organic Nitrogen, BOD, COD, Total Organic carbon, Electrical Conductivity.

Monitoring results were not provided for the following sampling points as they were dry: LCP3A (April-June), RMPL9A-A (June).

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

The operator has provided monthly leachate quality data following treatment at the effluent treatment plant as required by table S3.4.

The data provided is compliant with the limits set in the permit.

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

The operator has provided monthly data for surface water quality including Ammoniacal Nitrogen, suspended solids, pH and BOD.

The Ammoniacal Nitrogen readings for both sampling points in April is slightly above the permitted limit (0.25mg/l). P1 has a reading of 0.286 mg/l and P2 has a reading of 0.289mg/l. Both of these readings are within the 21.78% uncertainty of measurement validation for the test and are therefore not considered to be a permit breach.

Ammoniacal Nitrogen readings for both sampling points for May and June were within the permitted limits.

All other parameters for surface water quality for this quarter were compliant with permitted limits.

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

The operator has provided groundwater monitoring data. Condition 3.1.5 states that the trigger levels for emission to groundwater for the parameters and monitoring points set out in table S3.5 shall not be exceeded.

The data shows that monitoring point W01 had a chloride measurement of 324.3mg/l which is above the permitted limit of 69mg/l. The operator previously made an informal submission to NRW proposing to increase the compliance limit for Chloride due to road salt. NRW is satisfied that the compliance limit could be increased to 500mg/l with review on a regular basis.

The operator submitted a permit variation to NRW on 26.05.21. As part of this variation, the operator has applied to increase the chloride limit for groundwater monitoring point W01 from 69mg/l to 500mg/l.

It is recognised that this is an ongoing issue and the operator has taken appropriate steps to try and resolve the issue by applying to vary the permit to increase the compliance limit for chloride in W01. Although this is a breach of permit condition 3.1.5, it has been recorded as an ongoing issue and has not attracted a CCS score (E2--0).

**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. The data includes relative pressure.

In total, there were 17 occurrences when the methane result exceeded the compliance limit of 1%v/v and 34 occurrences when the carbon dioxide result exceeded the compliance limit of 1.5%v/v.

Methane concentrations as high as 79.4% and carbon dioxide concentrations as high as 19.3% were recorded.

NRW considers this a breach of permit condition 3.1.7 with the potential for a minor environmental impact based on the source-pathway approach (E1-CCS3).

**ACTION 1:** Operator to continue to follow gas management plan and ensure efficient collection and utilisation of landfill gas. Provide an update to NRW by the due date in relation to what actions have been taken to address the exceedances in the external monitoring boreholes identified above.

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

The operator has provided monthly in waste landfill gas collection system data.

The data provided shows there were 38 occurrences where Oxygen >5%, 187 occurrences where balance gas >20% and 1 occurrence when carbon monoxide exceeded 100ppm (284ppm-BP1W0302).

Table S3.8 in the permit specifies, where the Oxygen level exceeds 5% or the % balance gas is greater than 20% an assessment of air ingress into the system shall be undertaken. Additionally, where the concentration of carbon monoxide exceeds 100ppm the further investigation shall be undertaken.

**ACTION 2:** Action only- with reference to the above, provide an update on what assessments/ investigations have been carried out and what actions have been taken.

**Ambient air -Table S3.11**

The operator has provided data for particulate matter for the quarter as required by condition 3.7.1 (e). The data shows compliance with the 200mg/m<sup>3</sup>/day as specified in the permit.

**Notifications**

The following table summarises the notifications received from the operator for the period April-June 2021 (Q2) as required by condition 4.3 of the permit

Date NRW notified and schedule 5 reference	Part A	Date part B received and operator comments
02.06.21- no reference	<p><b>Date of detection</b>-02.06.21.</p> <p><b>Date of event</b>-12.04.21. P1 &amp; P2 Surface water. Ammoniacal Nitrogen. Ammoniacal nitrogen levels at 0.3mg/l for both sample points which is a breach of the 0.25mg/l limit.</p>	<p>02.06.21- Ammoniacal nitrogen levels officially reported at 0.286mg/l and 0.289mg/l which is a breach of the 0.25mg/l limit.; however, these are both within the 21.78% uncertainty of measurement validation, which at 0.25 is 0.05 mg/l, meaning that any result of 0.3mg/l or less is within the accuracy range of the laboratory test. Please see attached email chain from laboratory.</p> <p><b>Measures taken</b>-Surface water improvement works to be completed upon issue of permit variation.</p>
26.07.21- Ref BP/PG/Q2/2021/001	<p><b>Date of detection</b>- 26.07.21.</p> <p><b>Date of event</b>-During monthly perimeter gas monitoring for Quarter 2. Perimeter gas wells. Methane and carbon dioxide emissions from perimeter boreholes.</p>	<p>26.07.21</p> <p><b>Measures taken</b>- A full gas extraction audit has been completed and numerous improvement works have been undertaken to improve the efficiency of the existing system. Continued monitoring of the perimeter gas wells is underway to ascertain any positive effects from the gas infrastructure improvements. Following extensive works on the gas infrastructure, after these had been highlighted in our internal audit, there has been notable improvements in all perimeter gas wells except G29. All wells will continue to be monitored over the coming weeks.</p>
26.07.21- Ref:	<b>Date of detection</b> - 26.07.21.	No part B submitted.

BP/GW/Q2/2021/002	<p><b>Date of event-</b>07.06.21. Ground water W01. The chloride level has been detected at 324.3mg/l, this is above the current compliance limit of 69mg/l. This is a legacy borehole that is affected by road salt. Permit variation has been submitted to amend the existing limit.</p>	
07.06.21- no reference	<p><b>Date of detection-</b> 02.06.2. <b>Date and time of the event-?</b></p> <p><b>Reference or description of the location of the event-</b>Manhole 3, sewer line above Bryn Du Dingle.</p> <p><b>Substances potentially released-</b>treated leachate.</p> <p><b>Measures taken, or intended to be taken, to stop any emission-</b>discharge pumps switched off.</p> <p><b>Description of the failure or accident-</b> NRW attended site @ 13:00 &amp; informed us that there was a treated effluent leak from our sewer pipe. Details were very vague &amp; led us to believe that the issue was from the sample point nearest the leachate treatment plant. The manholes were inspected &amp; the 3<sup>rd</sup> manhole in the field above Llanidloes was found to have treated leachate overspilling due to a blockage.</p>	<p>07.06.21</p> <p><b>Any more accurate information on the matters for notification under Part A- NRW</b> attended site at 13:00 on the 2<sup>nd</sup> June 2021; discharge was immediately halted (13:05 2/6/21). Drainage rods were then taken to the sewer line and the blockage was cleared by 14.30 (2/6/21).</p> <p><b>Measures taken, or intended to be taken, to prevent a recurrence of the incident-</b> An additional CCTV inspection of the blocked pipe area has been carried out and has identified that a small section of the pipe has been damaged. Reports suggest that the farmer had heavy machinery in the field towards the end of last summer which is likely to have caused the pipe to crack. The blockage was caused by a piece of the pipe coming away and lodging in the pipe between Manhole 2 and Manhole 3. Remedial works have been arranged to replace this</p>

		section of pipe, which will be completed in the next couple of weeks. In the meantime, Mayglothling Waste services are removing up to 4 tanker loads of leachate from the balancing lagoon on a daily basis (volumes will be altered according to need). The leachate treatment plant is still being utilised with transfer between the lagoons ongoing in order to keep the biological activity going.
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**ACTION 3:** Action only- please provide a completed part B notification for BP/GW/Q2/2021/002 which was submitted to NRW on 26.07.21.

**ACTION 4:** Action only- with reference to action 10 (CAR NRW0038463 issued 26.07.21), please provide an updated part B notification for the treated effluent incident (schedule 5 parts A and B originally submitted to NRW 07.06.21) and ensure this has a unique reference number.

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.