	EPR Compliance Assessment Report	Report ID: BU7766IC/0255748			
This form will report compliance with your permit as determined by an NRW officer					
Site	Bryn Posteg Landfill EPR/BU7766IC		Permit Ref	BU7766IC	
Operator/ Permit holder	Sundorne Products (Llanidloes) Ltd				
Date	11/01/2016		Time in	11:15	Out 13:15
What parts of the permit were assessed	Landfilling activities, emissions, amenity				
Assessment	Site Inspection	EPR Activity:	Installation	X	Waste Op
					Water Discharge
Recipient's name/position	David Williams / Technical Manager				
Officer's name	Aled Zachary		Date issued	26/01/2016	

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS scores can be consolidated or suspended, where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit Conditions and Compliance Summary			Condition(s) breached
a) Permitted activities	1. Specified by permit	A	
b) Infrastructure	1. Engineering for prevention & control of pollution	C2	2.9.1; 3.3.1
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	A	
	4. Containment of stored materials	A	
	5. Plant and equipment	C3	1.1.1
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	A	
	3. Materials acceptance	A	
	4. Storage handling, labelling, segregation	A	
d) Incident management	1. Site security	A	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	A	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	C2	3.4.1
	2. Noise	A	
	3. Dust/fibres/particulates	C3	3.3.2
	4. Pests, birds & scavengers	A	
	5. Deposits on road	A	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	C3	4.3.1
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),
A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

Number of breaches recorded	5	Total compliance score (see section 5 for scoring scheme)	74
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If the Total No Breaches is greater than zero, then please see Section 3 for details of our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- the part(s) of the permit that were assessed (e.g. maintenance, training, combustion plant, etc)
- where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- any non-compliances identified
- any non-compliances with directly applicable legislation
- details of any multiple non-compliances
- information on the compliance score accrued inc. details of suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

(Please note: Officers completing this form are encouraged to comment and act on the environmental performance as a whole of the facility and not just those covered by the permit conditions.)

Site visit in response to a number of odour complaints received over the festive period, new year and early January. A total of 26 complaints of odour from the site were received from the start of December 2015 up until this visit, which is a considerable rise compared to previous months.

Non Compliances:

B1 – Engineering for the prevention and control of pollution.

Requirements -

Condition 2.9.1 states that The limits for the level of leachate listed in schedule 4 table S4.1 shall not be exceeded.

Condition 3.3.1 states fugitive emissions of substances shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures have been taken to prevent or where that is not practicable to minimise those emissions.

Findings - The current level of leachate in the operational cell 9D(ii) appears to be far in excess of the 1m head required by the permit. The leachate contained in the cell was visibly pooled over large areas of the tipped waste surface and landfill gas can be seen bubbling up through it. Based on recent information submitted this would place the current leachate head conservatively at 5m - five times the permitted level, possibly more. During the inspection leachate was visibly flowing out of the engineered landfill cell, onto the haul road and into the concreted MRF area.

The current operational area(s) Cells 9D(i) and 9D(ii) are lacking in appropriate measures to minimise fugitive emissions of landfill gas. This also applies to the western flank of Cell 9C.

The current operational tipping cell 9D(ii) has no form of gas extraction installed, either temporarily or permanently. Levels of fugitive emissions from this cell and 9D(i) are still at an unacceptable level.

Both of these issues as a whole have been scored a **CCS Category 2 (Significant)** score as a result.

B5 – Plant and Equipment.

Requirement - Condition 1.1.1 The activities shall be managed and operated:

(a) in accordance with a management system, which identifies and minimises the risks of pollution, including those arising from operations, maintenance, accidents, incidents and non-conformances and those drawn to the attention of the operator as a result of complaints

Findings - The heat exchanger and boiler as proposed in the Leachate Treatment Plant upgrade document submitted as a result of the Enforcement notice last year has still yet to be fitted and commissioned. As a result, the efficacy of the LTP is still compromised due to the current cold weather conditions. The lack of treatment capacity in the LTP currently is partially the cause of the excessive levels of leachate in the operational landfilling cell.

This has been scored a **CCS Category 3** score at present.

F1 – Amenity, Odour.

Requirement - Condition 3.4.1 requires that emissions from the activities shall be free from odour at levels likely to cause annoyance outside the site, as perceived by an authorised officer of the Agency, unless the operator has used appropriate measure to prevent or where that is not practicable to minimise the odour.

Findings - During the site visit of the 11/01/16 offsite odour was detected at Pen Bryn Du at levels likely to cause annoyance to local residents. The odour was strongly of Hydrogen Sulphide, suggesting that it was due to landfill gas escape.

As a result of further complaints following this site visit officers visited the area and confirmed further off site odour at levels likely to cause annoyance on the 20/01/16. Odour was noted at properties up to 2km from the site and this was confirmed to be landfill gas in origin via a Gazomat portable methane detector.

As a result of the ongoing non-compliance, this has been scored a **CCS Category 2** (Significant) breach of permit requirements.

From our guidance: “An **ongoing non-compliance** occurs when a permitted site creates an amenity problem over an extended period (generally longer than one week). It is likely that we will be notified of this via reports from members of the public, though this may not always be the case. Ongoing amenity non-compliance causes a disproportionately high impact on receptors as the duration of the nuisance is an aggravating factor. Most reasonable people will accept an occasional transient odour or noise from an activity. However, when this persists for any length of time it can have a significant impact on people’s lives, businesses and how they perceive their own environment. It can also lead to behaviour and fears that may appear irrational to those not directly affected.”

This will be scored a CCS Cat 2 on a monthly basis until the issues with landfill gas control are resolved.

F3 – Amenity: Dust, Litter & Particulates.

Requirement - Condition 3.3.2 states that litter or mud arising from the activities shall not cause pollution. The operator shall have taken to have breached this condition if appropriate measures, have been used to prevent or where that is not practicable to minimise these emissions.

Findings - A large amount of litter in the North West corner of the site where bailed MRF materials are stored was noted, this included some recycled materials as well as litter from the landfill. Some of this material was visible in the adjacent field.

This has been scored a **CCS Category 3** breach of permit requirements.

G4 – Reporting & Notification.

Requirement – condition 4.3.1 states that NRW should be notified without delay following the detection of:


(b) the breach of a limit specified in the permit

Findings – The issue with the leachate level in Cell 9D(ii) has not been formally notified in line with the permit requirements.

This has been scored a **CCS Category 3** breach of permit requirements.

Observations:

The number of non-compliances observed during the inspection is currently of concern. This coupled with a general lack of progress with improvements necessary to bring gas emissions under control could result in Natural Resources Wales considering further sanctions / action to bring the site back into compliance with the permit requirements.

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Section 3- Enforcement Response	Only one of the boxes below should be ticked
You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.	
Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.	
In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.	
We will now consider what enforcement action is appropriate and notify you, referencing this form.	X

Section 4- Action(s)			
Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
B1	C2	Leachate level in cell 9D(ii) needs to be reduced as a matter of urgent priority. If the on-site leachate treatment plant is unable to cope with the current load operationally, other options such as tankering should be considered	Immediately
B5	C3	Provide a timescale for installation of the heat exchanger equipment as well as details of the likely heating source.	31/01/2016
F1	C2	Improvements to gas collection infrastructure as detailed in the plan prepared by Exea Associates received on the 22/12/15 should be progressed with as soon as is reasonably practicable.	N/A
F3	C3	Litter management and general housekeeping at the site requires improving.	N/A
G4	C3	Any breaches should be notified to NRW vis the Schedule 6 procedure	N/A

Section 5 - Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- advise on corrective actions verbally or in writing
- require you to take specific actions in writing
- issue a notice
- require you to review your procedures or management system
- change some of the conditions of your permit
- decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you.

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- ensure you comply with other legislative provisions which may apply.

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance which could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General Information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- offering/providing you with its literature/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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line managers. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00–18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.