

Compliance Assessment Report

Report ID:
CAR_NRW0024792

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 (Ilanidloes) Ltd				
Regime	Installations				
Date of assessment	10/02/2016	Time in	11:10	Out	13:40
Assessment type	Site Inspection				
Parts of the permit assessed	Site Infrastructure, Operational Cell, Surface Water Discharge				
Lead officer's name	Zachary, Aled				
Accompanied by	Cope, Michael				
Recipient's name/position	David Williams/ Technical Manager	Date issued	24/11/2016		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). 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	CCS Category	Condition(s) breached
A1 - Specified by permit	C3	3.1.1
B1 - Infrastructure - Engineering for prevention and control of emissions	C2	2.9.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	C2	3.1.1
E3 - Emissions - Surface water	C1	3.1.2

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	4	Total compliance score (see section 5 for scoring scheme)	126
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If the Number of breaches recorded is greater than zero, please see Section 3 for 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 (eg. 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 advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

04 February 2016.

NRW received a report from a member of the public regarding pollution to the Nant-y-Bradnant. Local Environment Officers investigated and found approximately 4km of the Bradnant to be affected, the source of the pollution was traced back to the groundwater and Surface Water discharge points from Bryn Posteg Landfill Site on the Eastern boundary of the site. Formal Samples were served and action was requested to prevent the discharge as soon as is practicable.

10 February 2016.

Officers returned to site to further investigate the causes of the incident, the Nant-y-Bradnant was still contaminated. Officers found leachate was still discharging from the groundwater discharge point and also from the surface water discharge point from Bryn Posteg Landfill.

Non Compliances.

Requirements:

Permit Condition 2.9.1 states that the limits for leachate listed in Schedule 4 table S4.1 shall not be exceeded.

Permit Condition 3.1.1 states that there shall be no point source emission to water, air or land except from the sources and emission points listed in schedule 4 tables S4.2, S4.3 and S4.4

Permit Condition 3.1.2 states that the limits given in schedule 4 shall not be exceeded, save that compliance with an emission limit shall include incorporation of the uncertainty allowances stated in Agency guidance LFTGN05 & 08

Permit Condition 3.3.1 states that fugitive emissions of substances (excluding odour, noise and vibration) shall not cause pollution. The operator shall be taken to have breached this condition where appropriate measures have been taken to prevent, or where that is not practicable, minimise, those emissions.

Findings:

Officers proceeded onto site and found leachate to be discharging from trial excavation pits on Phase 1 of the landfill dug as part of the investigation on 04 February 2016. No evidence of any remediation measures to prevent this discharge were visible. However, some excavations directing the leachate run-off towards the surface water ditch were present, suggesting a potentially deliberate act.

Prior to these incidents you had been warned and given a large amounts of advice and guidance regarding leachate management on site.

The operational cell 9D(ii) was noted as being severely in breach of the 1m leachate head above base stated in the permit, with leachate visible over large areas of the waste surface. The depth of this waste was estimated to be anywhere from 5 - 10m, or five to ten times the permitted leachate head. Improvements required to the leachate treatment plant as required by a previous enforcement notice had also yet to be completed. These are likely to be contributory factors to the leachate issues present in Phase 1 overwhelming the containment system and discharging to the groundwater interception and surface water drainage systems.

The discharge from the Western surface water discharge point was sampled. Analysis of this discharge returned results of 434mg/l Suspended solids and 76.1mg/l Ammonical Nitrogen. The discharge from the Eastern surface water discharge point to the Nant-y-Bradnant was also sampled. Analysis of this discharge returned results of 140mg/l Suspended solids and 7.98mg/l Ammonical Nitrogen.

These results are major breaches of the permitted limits to surface water - 0.25mg/l for Ammonia and 50mg/l for Suspended Solids respectively. The discharge to the eastern surface water discharge point also occurred over a prolonged period of time, with exceedances logged from the 04/02/16 - 08/03/16.

Taken as an aggregate these discharges have potential for major and persistent harm to the receiving surface waters and have been scored a **CCS Category 1 breach** of permit requirements.

The breach of the permitted leachate levels and lack of appropriate measures to ensure leachate remains contained in the engineered landfill cell(s) has been scored two **Category 2 CCS breaches** respectively.

Having unpermitted discharge(s) to the receiving surface water has been scored a **CCS Category 3 breach** of permit requirements.

****Please review the actions required as a result of these breaches****

EPR Compliance Assessment Report

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Site	Bryn Posteg Landfill EPR/BU77661C	Permit Ref	BU77661C
Operator/Permit holder	Sundorne Products (Ilanidloes) Ltd	Date	10/02/2016

Section 3 – Enforcement Response

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
B1	C2	Leachate levels in the operational landfill cell(s) should be reduced to a maximum of 1m above sump base as a matter of urgency	31/08/2016
E3	C1	A review of surface water monitoring and management should be carried out. This should include (but not be limited to): appropriate measures for limiting the discharge during periods of high rainfall, managing its quality and emergency procedures in the event of incidents such as leachate outbreak from the landfill	30/09/2016
B3	C2	Surface water and leachate management around Phases 1 & 2 should be reviewed to ensure this incident does not repeat. This should include (but not limited to) provision of additional leachate extraction or surface water drainage in these phases if required.	30/09/2016
A1	C3	As part of the surface water management plan review ensure there are emergency procedures to prevent non-permitted discharges off site.	30/09/2016

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 verbally or 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 that 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 fulfil 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 (eg. 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 its service
- Freedom of Information Act/Environmental 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 reports 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 officer's line managers using the informal appeals procedure. 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.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.