

Compliance Assessment Report

Report ID:
CAR_NRW0026445

This form will report compliance with your permit as determined by an NRW officer

Site	Bryn Posteg Landfill	Permit Ref	BU77661C			
Operator/Permit holder	Sundorne Products (Ilanidloes) Ltd					
Regime	Installations					
Date of assessment	05/05/2016	Time in	10:10	Out	15:30	
Assessment type	Site Inspection					
Parts of the permit assessed	Compliance with R.36 Notice and site permit requirements					
Lead officer's name	Zachary, Aled					
Accompanied by						
Recipient's name/position	David Williams/ Technical Manager	Date issued	07/10/2016			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. 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
B1 - Infrastructure - Engineering for prevention and control of emissions	C2	2.9.1
E2 - Emissions - Land and groundwater	C2	3.3.1
F1 - Amenity - Odour	C2	3.4.1

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	3	Total compliance score (see section 5 for scoring scheme)	93
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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

05 May 2016.

Site inspection to assess compliance with the R.36 Notice issued on 03 March 2016 as well as general compliance.

Non Compliances.

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

Permit Condition 3.3.1 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.

Permit Condition 3.4.1 states 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 measures to prevent or where that is not practicable to minimise those emissions.

Findings:

B1 - Engineering for prevention and control of emissions.

The Operational cell 9D(ii) still had visible leachate levels in excess of the 1m head as required by the permit. As per previous visits there was still a large area of pooled leachate present with litter floating on top of it. The enforcement notice served on the 03/03/16 required all leachate head(s) to be back within compliance by the 18/04/16.

Data supplied following the visit on 12 May 2016 shows that the leachate heads are still being exceeded.

This is a breach of condition 2.9.1

This has been scored a Category 2 breach of permit requirement and is also considered a breach of the R.36 Notice Requirements.

B5 - Plant and Equipment

Improvements required to the Leachate Treatment plant as detailed in the report authored by Caulmert on behalf of Potters were inspected during the visit and have been completed. These works are considered sufficient to meet the requirements of the R.36 notice as required under permit condition 3.1.2

E2 - Emissions, Land and Groundwater.

Leachate was still visibly discharging down the haul road into two temporary sumps excavated at the entrance to Cell 9D(ii). Although the levels of leachate appeared to have improved from the previous visits liquid was still escaping the engineered landfill containment system.

This is a breach of condition 3.3.1

This has been scored a Category 2 breach of permit requirements due the persistent nature of this breach.

E3 - Emissions, Water

The summary report of the leachate outbreak from Phase 1 of the landfill was received on 15 April 2014. Submission of this report meets the specified step required from the R.36 notice in regard to condition 3.1.1

F2 - Amenity Odour.

Strong on-site odour of landfill gas was perceivable over large areas of the active landfill cell(s), this was confirmed by monitoring undertaken with a Jerome Hydrogen Sulphide meter and Gazomat Methane detector. The operational cells 9D(i) and 9D(ii) still do not benefit from sufficient landfill gas collection and control infrastructure to prevent or minimise emissions, resulting in persistent off site odours and annoyance to local residents.

This is a breach of condition 3.4.1

Due to the ongoing impact of odour from the site on local residents this has also been scored a Category 2 breach of permit requirements and is also considered a breach of the R.36 Notice Requirements.

EPR Compliance Assessment Report

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Operator/Permit holder	Sundorne Products (Ilanidloes) Ltd	Date	05/05/2016

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	Reduce leachate levels in all cells back to within the permitted level of 1m	31/07/2016
E2	C2	Leachate should be prevented from escaping the engineered containment in Cell 9D(ii) as soon as practicable	31/07/2016
F1	C2	Install sufficient landfill gas extraction in Cells 9D(I) and 9D(ii)	31/07/2016

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 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 fifteen 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.