

Compliance Assessment Report

Report ID:
CAR_NRW0032859

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	18/12/2017	Time in	10:00	Out	13:30
Assessment type	Site Inspection				
Parts of the permit assessed	Waste Levels and quantities accepted, Emissions, Infrastructure				
Lead officer's name	Zachary, Aled				
Accompanied by					
Recipient's name/position	David Williams/ Technical Manager	Date issued	09/02/2018		

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
B4 - Infrastructure - Containment of stored materials	C2	2.6.6
C3 - General Management - Materials acceptance	C2	2.6.6
F1 - Amenity - Odour	C2	3.3.1

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

1. Annual Permitted Waste Limits:

Permit Condition 2.6.6 states that the quantity of waste that is deposited in the landfill in any year shall not exceed the limits listed in schedule 1, table S1.4.

This limits the landfill to no more than 75,000 tonnes per year.

Findings:

The site self reported to NRW that the total amount of waste accepted for calendar years 2015-2017 was as follows:

2015: 103,650.76 tonnes

2016: 76,620.62 tonnes

2017: 96,225.54 tonnes

This is some **52,000 tonnes** of waste material **above** the permitted annual limits.

This is a significant breach of the permitted waste acceptance limits and has been scored a Category 2 breach of the permit requirements.

2. Pre Settlement Levels:

Permit Condition 2.6.5 states the total quantity of waste that shall be deposited in the landfill shall be limited by the pre settlement levels shown on drawing DRWG9.

Findings:

NRW wrote to Potters on the 03 October 2017 to express concerns with the pre-settlement levels at Bryn Posteg. On the 20 October 2017 we surveyed the site at various spot samples over the landform. This initial survey showed the site to be significantly over the consented pre-settlement levels as referenced in DRWG9.

A later fill site survey carried out on the 18 December 2017 by Geotechnology Ltd on behalf of NRW shows that the site to contain approximately 250,000m³ of waste above what is permitted by DRWG9. The survey also demonstrated that the landform does not accord with the modified version of DRWG9 Potters Waste Management claim to have been working to - approximately 160,000m³ of material is above the contours listed on the modified plan and the high spot on site is higher than the one listed.

This is a significant breach of the permitted waste acceptance limits and has currently been scored a Category 2 breach of the permit requirements, but could be reviewed in lieu of further information.

3. Offsite Odour:

Permit Condition 3.3.1 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 Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management, to prevent or where that is not practicable to minimise the odour.

Findings:

F1 - Amenity Odour.

Very strong landfill gas odours were detected off site and as far as Llanidloes (2km off site). These were also present around the

site entrance and Cells 9D(ii) and 9D(i). Landfill gas extraction infrastructure is still not to the required standards to reduce and minimise these odours due to gas emissions

Off-spec compost is still being used as a daily cover material on some areas of the operational cells. This material is likely to be increasing the odour potential of the site, adding another source of organic carbon to the landfill cells and potentially providing a habit or attracting pests such as flies.

The working area of the active landfill cell is also still very large, this is creating issues with emissions, water ingress and ultimately effective control of odours, lack of cover was noted:



These issues as a whole are deemed a breach of condition 3.3.1

Due to the ongoing impact of odour from the site on local residents these issues have been scored a Category 2 breach of the permit requirements.

EPR Compliance Assessment Report

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Site	Bryn Posteg Landfill	Permit Ref	BU7766IC
Operator/Permit holder	Sundorne Products (Ilanidloes) Ltd	Date	18/12/2017

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			
C3	C2	Ensure site remains compliant with annual tonnage limits	09/02/2018
B4	C2	Actions as detailed in the suspension notice served on 18/01/18	12/04/2018
F1	C2	Use appropriate measures to reduce and minimise the emission of landfill gas and other sources of odour on site, including but not limited to: - Identification and remediation of point sources of odour - Landfill gas extraction and control - Use of appropriate levels and types of daily cover - Use of temporary capping - Minimisation of odour from leachate treatment process - Reducing the active tipping area to a more manageable size	28/02/2018

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.