

Compliance Assessment Report

Report ID:
CAR_NRW0033149

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	06/04/2018	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	4.2.2				
Lead officer's name	McClymont, James				
Accompanied by					
Recipient's name/position	David Williams/ Technical Manager	Date issued	17/04/2018		

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
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	3.7.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.2.2
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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

Annual Monitoring Review (January - December 2017)

We have reviewed the above report submitted with regard to Permit condition 4.2.2.

It should be noted that permit variation EPR/BU7766IC/V007 was issued on 16/10/2017, i.e. during the review period. All references to conditions in this CAR relate to this consolidated permit.

Landfill Gas

Perimeter landfill gas permit limit exceedances have been scored in separate CAR forms for each quarter. It should be noted that maximum methane concentrations in the perimeter boreholes ranged between 1.1 % and 84.6 %, this is greater than the range detected in 2016, between 0.4 % and 71.9 %.

Action 1: This apparent increasing trend should be investigated with findings reported to NRW, by 31/05/2018.

Condition 3.7.1 requires that the operator shall, unless otherwise agreed in writing by NRW, undertake the monitoring and any other actions specified in the following tables in schedule 3 to the permit:

(d) Landfill gas specified in tables S3.6, S3.7 and S3.8.

No surface emissions surveys were undertaken in 2017, this was also the case in 2016, which means that no surveys have been undertaken at the site for over 2 years.

Trace gas monitoring was carried out on 11/01/2018. This is outside of the review period. It is therefore the case that no trace gas monitoring was undertaken at the site throughout 2016 and 2017, i.e. over 2 years.

It is unacceptable that no trace gas or surface emissions monitoring were undertaken in 2016 or 2017, particularly given the landfill gas emissions and off site odour detected by NRW during this period.

The above have been scored a CCS Category 3 breach of Permit.

Action 2: Undertake a surface emissions survey and provide NRW with the results, by 31/05/2018.

Table S3.8 requires that the concentration of trace gas components shall be assessed against the assumptions made in the Landfill gas risk assessment and dispersion modelling. This assessment has not been undertaken as part of this report.

Action 3: Provide NRW with an assessment of the trace gas monitoring results, as outlined above,

by 31/05/2018. Also outline the following:

- Who carried out the monitoring?
- Was the methodology in LFTGN04 'Guidance for monitoring trace components in landfill gas' utilised?
- Which sampling point was utilised for the monitoring?

Groundwater

Groundwater permit limit exceedances have been scored in separate CAR forms for each quarter. Chloride permit limit exceedances in W1 are referred to in NRW_CAR0033055.

Leachate

Leachate permit limit exceedances have been scored in separate CAR forms for each quarter.

Surface Water

Surface water permit limit exceedances have been scored in separate CAR forms for each quarter.

Dust

Dust concentrations remained below the permit limit of 200 mg/m²/day at all locations in Q2, Q3 and Q4. No monitoring was undertaken in Q1.

Action 4: Ensure that dust monitoring is undertaken as required by permit Table S3.11.

Annual Production / Treatment

It is noted that there has been a large reduction in leachate disposed of to any offsite effluent treatment plant, between 2016 - 21,118 m³ and 2017 - 6,975 m³. This is a difference of 14,143 m³, which is not covered by the difference in leachate disposed to sewer, 2016 - 24,229 m³ and 2017 - 28,844 m³ = 4,615 m³.

Action 5: Provide an explanation for the difference in leachate disposed of to any offsite effluent treatment plant between 2016 and 2017, by 31/05/2018.

Performance Parameters

Energy used in 2017 was 130 MWh, which is slightly less than that used in 2016 - 135 MWh.

Topographical Survey

Condition 4.2.2 requires that the annual report shall include:

(d) the topographical surveys required by condition 3.5.3 other than those submitted as part of a CQA validation report;

(e) the volumetric difference (reported in cubic meters) between the most recent topographical survey and the previous annual topographical survey i.e. the additional volume of the landfill void that is occupied by waste;

(f) an assessment of the settlement behaviour of the landfill body based on the difference between the most recent topographical survey and previous annual topographical survey for the areas of the landfill which did not receive waste between the surveys;

(g) a calculation of the remaining capacity (reported in cubic metres) derived from the pre-settlement contours and the most recent topographical survey;

(h) details of compliance with the waste acceptance ratios set out in schedule 1 table S1.6.

None of the above were included in the annual report.

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

Action 6: Provide the above information, by 31/05/2018.

Reporting & notifications

Condition 4.2.2 states that a reports or reports on the performance of the activities over the previous year shall be submitted to Natural Resources Wales by 31 January (or other date agreed in writing by Natural Resources Wales) each year.

At the operators request, an extension to this deadline was agreed by NRW, to 28/02/2018. The report was, however, received on 08/03/2018 - 8 days beyond the agreed extended deadline.

This breach has been consolidated into the previous score for this condition.

Action 7: Ensure that procedures are in place to ensure that reporting deadlines are adhered to, and provide evidence to NRW, by 31/05/2018.

EPR Compliance Assessment Report

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Site	Bryn Posteg Landfill	Permit Ref	BU7766IC
Operator/Permit holder	Sundorne Products (Ilanidloes) Ltd	Date	06/04/2018

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.

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.

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			
G4	C3	See comments section	31/05/2018
G1	C3	See comments section	31/05/2018

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.