

Compliance Assessment Report

Report ID:
CAR_NRW0033232

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	04/04/2018	Time in	15:30	Out	16:40
Assessment type	Site Inspection				
Parts of the permit assessed	All below				
Lead officer's name	Ellis, Rhys				
Accompanied by	Aled Rees,Sally Connah				
Recipient's name/position	David Williams/ Technical Manager	Date issued	27/04/2018		

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
C2 - General Management - Management system and operating procedures	C2	1.1.1
D2 - Incident Management - Accidents, emergency and incident planning	C2	4.3.1
E3 - Emissions - Surface water	C2	Table S3.3

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

Senior Environment officer Sally Connah and Environment Officer Aled Rees attended site to follow up on a pollution deriving from Bryn posteg landfill through emission point P2 on site. (Incident reference 1801793)

Their visit concluded that there was still evidence of significantly turbid water discharging from the outfall which appeared to be worse than the previous day. Another formal sample of this discharge was taken. The location of this outfall was SN96453 81891, which is an outfall consisting of surface water from the permitted site (emission reference P2).

Environment officers met site manager Tony Webber on site and the formal sample taken today from the sites discharge emission point P2 was split in front of him and a representative sample served on him. They also gave him a representative sample of the formal sample taken yesterday from the same location (P2). A Code B was also issued on site.

It was suspected that one of the main causes of the high suspended solids in the discharge was surface water picking up sediments on the site tracks. It was mentioned to officers that straw bales had been placed on site to try and improve the discharge however these appeared to have been on site for a long period of time and appeared to have very little (if any) impact in improving the sites discharge quality.

It was emphasised by officers that better measures are needed on site to improve and treat surface water discharge from the site as a matter of urgency.

E1 – Emissions to water

The formal sample of the discharge confirmed a significant breach of permit condition limits.

In addition to this, upstream and downstream samples of the receiving watercourse was taken on the day to assess the impact of the discharge on the receiving watercourse, these results concluded a significant impact on the quality of the tributary of the Afon Dulas extending a fair distance downstream (at least 1km).

Summary of the sample results can be seen in table 1 below.

Date	Time	Location	Parameter type	Value	Permit limit	Unit
04/04/2018	14:35:00	DIRECT FROM WATERCOURSE UPSTREAM OF DISCHARGE. SN 96473 81884	0085 / BOD ATU	<3		mg/l
			0092 / COD as O2	18.5		mg/l
			0111 / Ammonia(N)	<0.03		mg/l
			0135 / Sld Sus@105C	14		mg/l
04/04/2018	14:40:00	DIRECTLY FROM CONCRETE HEADWALL DISCHARGE POINT. SN 96461 81893	0085 / BOD ATU	3.99	20	mg/l
			0092 / COD as O2	113		mg/l
			0111 / Ammonia(N)	<0.5	0.25	mg/l
			0135 / Sld Sus@105C	1660	50	mg/l
04/04/2018	14:55:00	DIRECT FROM WATERCOURSE DOWNSTREAM OF DISCHARGE. SN 96436	0085 / BOD ATU	<3		mg/l
			0092 / COD as O2	68		mg/l
			0111 / Ammonia(N)	0.202		mg/l
			0135 / Sld Sus@105C	975		mg/l
04/04/2018	14:15:00	WATERCOURSE RAILWAY BANK. SN 95472 81712.	0085 / BOD ATU	<3		mg/l
			0092 / COD as O2	25.2		mg/l
			0111 / Ammonia(N)	0.114		mg/l
			0135 / Sld Sus@105C	128		mg/l

Table 1.

Table S3.3 within the permit stipulates permit limits that should not be exceeded.

Suspended solids are 33 times the permit limits. As a result of the significant suspended solids breach the operator has breached limits stipulated in the permit. It must also be noted that there is clearly a significant impact on the receiving watercourse, whilst suspended solids in the receiving watercourse upstream of where P2 enters are around 14mg/l, samples taken directly downstream of P2 show a result of 975mg/l and samples taken from the receiving watercourse approximately 1km downstream show a high result of 128mg/l.

Ammonia results were within emission limit value limits.

Due to the significant breach in limits of table S3.3 and an actual significant pollution of the receiving watercourse a CCS score of 2 has been applied.

D2 – Accident , Emergency and incident planning.

The operator was notified of this incident on the 3rd April 2018, and notified that the sites discharge was polluting and impacting surface water. This subsequent visit today confirmed that no significant measures had been taken to limit the environmental consequence of such incident. In fact visual observations demonstrated that the situation had worsened.

Section 4.3.1 stipulates that in the event the operation of the activities gives rise to an incident or accident which significantly affects the environment , the operator must:

- ii) take the measures necessary to limit the environmental consequence of such incident and
- iii) take the measures necessary to prevent further possible incidents

It was evident during environment officers visit today that inadequate measures had been taken to limit the impact of this incident. A CCS Score of 2 has been applied under this breach of condition.

C2 General management

The operator has also breached Permit condition 1.1.1 which stipulates that the operator shall manage and operate the activities in accordance with a written management system and using sufficient competent persons and resources. The permit breaches noted in this compliance assessment report form raise concerns regarding the awareness of permit conditions, management systems and associated procedures and plans by site personnel. These include:

- 1) Failure to comply with permit limits stipulated in the permit
- 2) Failure to take the measures necessary to limit the environmental consequence of such an incident
- 3) Failure to take the measures necessary to prevent further possible incidents (It must be stressed that Natural resources wales have now breached the operator on numerous occasions recently for breaching surface water emission limits and requested the operator to investigate ,take action and feedback to Natural resources wales of actions taken , there has been limited response or actions taken by site in regards to this matter.

A CCS Score of 2 has been applied under this breach.

NRW asked for the site to investigate this as a matter of urgency and to feedback findings to NRW , including details of measures taken to stop this pollution . Your response dated 9th April 2018 concluded a response of "no specific issues located". Such response is concerning and unsatisfactory particularly when results conclude exceedances of over 33 times the permit limit and where downstream samples of the Afon Dulas have confirmed significant impact .Relevant responsible site personnel should act upon the seriousness of this on going issue and the operator must now respond to the following actions by **no later than 18th May 2018.**

Action 1

Operator to investigate the source of these recent ammonia and suspended solids exceedances and confirm what actions, measures and contingency plans have been taken to improve surface water quality from P2 (and P1) to avoid future breaches of limit values stipulated in permit. Your response should include short term and long term actions/solutions to this issue.

We are aware that the site have submitted a surface water management review as part of improvement requirements for Natural Resources Wales to review. We will forward comments we have on this to you, to enable you to consider these your response to this action.

Action 2

The site should take every appropriate measures to detect and limit the environmental impact of such discharge. Site must review all operational procedures, daily checks and monitoring programme in relation to surface water discharges through P1 and P2. These should be forwarded to Natural Resources Wales with details of any sections that have been reviewed or updated.

Action 3.

Site to confirm whether increased monitoring has been implemented following this incident and previous incidents

Action 4

Site to forward a copy of their current surface water management plan.

Once all responses to the above actions have been received by NRW we will determine the next course of action in relation to this issue, it is likely that improvements required will be incorporated into an enforcement notice.

Natural Resources Wales have grave concerns regarding the continual breaches of emission limit values in regards to surface water and will continue to monitor this specific situation closely , and will investigate accordingly , recharge our attendance time and continue to take action in accordance with our enforcement and prosecution policy.

Photographs.

Photograph 1

Heavily contaminated discharge from Bryn
Posteg discharge point P2.



Photograph 2

Tributary of the Afon Dulas downstream of discharge contaminated.



EPR Compliance Assessment Report

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

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.

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			
C2	C2	See actions in CAR form	18/05/2018
D2	C2	See actions in CAR form	18/05/2018
E3	C2	Stop breaching emission limit values and see Actions in CAR form	18/05/2018

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.