

Compliance Assessment Report

Report ID:
CAR_NRW0033255

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	27/04/2018	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	2.4.1, Table S1.3 Improvement programme requirements				
Lead officer's name	McClymont, James				
Accompanied by					
Recipient's name/position	David Williams/ Technical Manager	Date issued	11/05/2018		

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
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	2.4.1

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	1	Total compliance score (see section 5 for scoring scheme)	0.1
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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

This CAR form provides our comments, where complete, on your responses to the improvement programme requirements outlined in Permit Table S1.3.

Reference 1

The site plan (3033-XX-XX-DR-S-1800, 20/11/2017) was received on the 23/11/2017, an agreed extension date. We are satisfied that the submitted plan meets the improvement programme requirement.

Action 1: Submit to NRW a final version of the site plan, by 08/06/2018.

Reference 2

A bioaerosol monitoring plan (3033-CAU-XX-XX-RP-V-0304.A0-C1, November 2017) was received on the 23/11/2017, an agreed extension date. See our comments in attached report reference C299_Part 1.

Action 2: Review our comments and provide a response, where required, by 08/06/2018.

Reference 3

An updated odour management plan (3033-CAU-XX-XX-RP-V-0303.A0-C1, December 2017) was received on 07/12/2017, 21 days after the deadline date of 16/11/2017. See our comments in attached report reference C299_Part 1.

Action 3: Review our comments and provide a response, where required, by 08/06/2018.

Reference 4

A report (103.008.2.Biomass Boiler, December 2017) was received on the 21/12/17, 5 days after the deadline date of 16/12/2017. See our comments in attached report reference C299_Part 2.

Action 4: Review our comments and provide a response, where required, by 08/06/2018.

Reference 5

An updated leachate management plan (3033-CAU-XX-XX-RP-V-0300.A0-C4, December 2017) was received on the 21/12/17, 5 days after the deadline date of 16/12/2017. See our comments in attached report reference Leachate Management Plan Review, 08 May 2018.

Action 5: Review our comments and provide a response, where required, by 08/06/2018.

Reference 6

A response (Phase 1 and 2 gas review and notice response) was received on the 17/01/2018. We submitted our comments to you on the 23/01/2018.

Action 6: Provide your response to our comments, by 08/06/2018.

Reference 7

A report (3221-CAU-XX-XX-RP-V-0300-A0-C1, February 2018) was received on the 16/02/2018, an agreed extension date. See below our comments:

It is clear in the report that the existing arrangements for surface water treatment is not fully understood by the Operator, particularly for the eastern catchment.

It is considered that a more robust understanding of the operation of the existing arrangements is required, in order for the effectiveness of the recommended improvements to be evaluated. Improvements should be proposed for inadequacies in the existing arrangements identified in the report.

The report includes a very brief assessment of runoff rates (3.5.1), whereby the Greenfield runoff estimate for the site $Q_{bar} = 69.81$ l/s. Q_{bar} is the mean annual flood (i.e. a flood of this magnitude is expected to occur once per year, on average). Our comments in this regard are:

It is a Greenfield estimate (i.e. assumes natural catchment without anthropogenic influence), whereas the site in question is far from natural;

The estimate of Q_{bar} isn't used for any purpose. Whereas we were expecting to be provided with an assessment of how the surface water management system copes with various runoff rates;

There is no assessment of rainfall / runoff events of any significance. Q_{bar} is not a significant flood. We would expect to see an analysis of events more extreme than Q_{bar} , e.g. 1 in 5 or 10-year events.

The report is considered to be too generic, with no detailed assessment as to how the existing (or proposed) surface water management arrangements can cope with rainfall events of any significance.

Action 7: Provide a response which considers the above, by 08/06/2018. The response should clearly outline the current surface water management arrangements on site, and the definitive measures the operator will implement to improve the surface water management to prevent further permit limit exceedances at P1 and P2, with timescales.

Reference 8

A response to this requirement was due for submission on the 16/04/2018 but has not yet been received.

Action 8: Provide a response to this requirement by the 08/06/2018.

Reference 9a

This reference required that the operator shall monitor on a monthly basis, for 12 months, water quality at SW3 as shown on plan 1009.REED.01. The date required was 16/10/2018. Has this monitoring commenced?

Action 9: Inform NRW whether this monitoring has commenced, 08/06/2018.

Action 10: Provide NRW with a copy of 1009.REED.01, by 08/06/2018.

Reference 9b

This requirement is to be commenced following completion of the 12 month monitoring programme required by Reference 9b.

Non-compliance

Permit condition 2.4.1 requires that the operator shall complete the improvements specified in schedule 1 table S1.3 by the date specified in that table unless otherwise agreed in writing by Natural Resources Wales.

The responses to requirements Reference 3, 4 & 5 were received after the agreed deadline dates. A response to requirement reference 8 was not received by the deadline, and has not yet been received.

The above have been scored a CCS Category 4 breach of permit.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0033255**

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

Site	Bryn Posteg Landfill	Permit Ref	BU7766IC
Operator/Permit holder	Sundorne Products (Ilanidloes) Ltd	Date	27/04/2018

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	C4	See comments section	08/06/2018

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.