

## Compliance Assessment Report CAR\_NRW0039119

**Permit being assessed:** BU7766IC.

For: Bryn Posteg Landfill , held by Sundorne Products (Llanidloes) Ltd

At: Bryn Posteg Landfill Site Tylwch Road , Llanidloes, Powys, SY18 6JJ.

**Type of assessment carried out:** Site Inspection, Reason: Routine.

On 07/12/2021 between 13:00 and 15:00.

Parts of permit assessed: Site inspection

**NRW Lead Officer:** Jamie Blythin, accompanied by Paul Challender.

**Report sent to:** Deborah Hall , Environment, Health and Safety Compliance Manager on 23/12/2021.

### 1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C3 - General Management - Materials acceptance	C3 Minor	1.1.1
F1 - Amenity - Odour	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Action only (X)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
1	4

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

### 2. What action is required?

Criteria	Action needed	Complete by
C3	<p>Action 1- Ensure any non-permitted waste (non-Grade A waste wood containing contaminants) is removed and taken to a site authorised to accept it/ returned to supplier. Provide completed waste transfer notes to NRW to confirm this has been done by 20.01.21. Ensure only Grade A waste wood and shredded pallets are accepted for incineration in the SWIP.</p> <p>Action 2- Carry out an investigation (root cause analysis) into how non-permitted waste (waste wood containing contaminants including painted wood, chipboard, metals,</p>	20/01/2022

Criteria	Action needed	Complete by
	rubber and textiles) was accepted for incineration in the SWIP. Provide NRW with the outcome of this investigation and a summary of agreed actions in writing to ensure only Grade A waste wood and shredded pallets will be accepted and incinerated in the SWIP by 20.01.21.	
C4	Action 3- Ensure the ash wastes stored in a metal container on the MRF permit are consigned as hazardous waste and transported to a facility authorised to accept them. Provide completed consignment notes for these loads to NRW by 20.01.21.	20/01/2022

Action criteria codes are listed in the 'Important information' section below.

### 3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

#### **You are non-compliant with your permit.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

### 4. Details of our assessment

Officers were accompanied around the site by the Site Manager.

The Section 5.1 Part B (a) (v) Small Waste Incineration Plant (SWIP) was not operational at the time of the inspection as it was undergoing maintenance. The Site Manager stated that the annual emissions testing for the SWIP was due to take place 08.12.21.

Officers inspected the SWIP waste wood (fuel) storage area. The permit specifies that only 'Grade A' waste wood and shredded pallets shall be accepted and incinerated. The waste wood stored in this area contained contaminants including painted wood, chipboard, metals, rubber and textiles. Due to the amount of visible contamination, this waste was not permitted to be incinerated in the SWIP.

NRW considers this a breach of permit condition 1.1.1 (C3- CCS3) as the site Environmental Management System (EMS) - Waste Acceptance Procedure- has not been followed.

Action 1- Ensure any non-permitted waste (non-Grade A waste wood containing contaminants) is removed and taken to a site authorised to accept it/ returned to supplier. Provide completed waste transfer notes to NRW to confirm this has been done by 20.01.21. Ensure only Grade A waste wood and shredded pallets are accepted for

incineration in the SWIP.

Action 2- Carry out an investigation (root cause analysis) into how non-permitted waste (waste wood containing contaminants including painted wood, chipboard, metals, rubber and textiles) was accepted for incineration in the SWIP. Provide NRW with the outcome of this investigation and a summary of agreed actions in writing to ensure only Grade A waste wood and shredded pallets will be accepted and incinerated in the SWIP by 20.01.21.

While inspecting the Materials Recycling Facility (MRF) permit (permit Ref UP3995CV, CAR\_NRW0039104 ), officers observed a large metal storage container outside the MRF building. The Site Manager confirmed that this contained Incinerator Bottom Ash (IBA) and fly ash from the SWIP. These wastes have been stored here >6 months. We contacted you previously on 11.12.20, following review of the ash sample results from the SWIP, to state that the results for IBA indicate that it should be classified as hazardous waste (Terra Tek due to HP14 Ecotoxic and DETS due to HP4/8 Corrosive as pH >11.5).

Action 3- Ensure the ash wastes stored in a metal container on the MRF permit are consigned as hazardous waste and transported to a facility authorised to accept them. Provide completed consignment notes for these loads to NRW by 20.01.21.

The leachate level within the leachate treatment lagoon was relatively high (approximately 0.5m freeboard). High levels of rainfall within the preceding days would have contributed to this. The leachate level within the leachate balancing lagoon was much lower (approximately 1-2m freeboard).

Sludge is collected from the leachate treatment plant and deposited on an uncapped area of the site (Cell 9, adjacent to the geomembrane). The Site Manager stated that this activity happens on a daily basis. The compliance assessment of the leachate sludge activity will be dealt with separately outside of this CAR.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

## Important information

### Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

### Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

### How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

**What are suspended scores?**

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

**Full list of Industry and Waste action criteria (used in section 1 and 2):****A: Permitted activities**

- A1 Specified by permit

**B: Infrastructure**

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

**C: General management**

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

**D: Incident management**

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

**E: Emissions**

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

**F: Amenity**

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

**G: Monitoring and records, maintenance and reporting**

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

**H: Resources efficiency**

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

**Enforcement response**

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

**Data protection notice**

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

**Disclosure of information – this report will be available to view on-line**

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

**What do I do if I disagree with the report or have a complaint?**

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

**Welsh Language Standards**

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.