

Compliance Assessment Report

Report ID:
CAR_NRW0034092

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	22/10/2018	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	All mentioned below				
Lead officer's name	Ellis, Rhys				
Accompanied by					
Recipient's name/position	David Williams/ Technical manager	Date issued	02/11/2018		

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
B1 - Infrastructure - Engineering for prevention and control of emissions	O	2.5.6 , 2.5.5
E2 - Emissions - Land and groundwater	O	4.3.1

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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

The operator submitted a CQA report for the repair of the primary leachate lagoon at Bryn Posteg (reference ARM/EL/BP/CQALP/1.00/20018) . This was submitted as per permit condition 2.5.5 of the permit.

NRW acknowledge the temporary work undertaken on site to install the new 2mm thick HDPE membrane and the operational efforts associated with this work such as tankering of leachate off site during the work.

Having reviewed the report, NRW view this work as a temporary attempt to stop the current leak of leachate but not necessarily as a long term solution to safeguard the structure in prevent similar incidents and failures in the future. The CQA plan is therefore not approved. This is based upon the bulleted reasoning below.

- The subgrade does not appear appropriate for HDPE lining.
- The condition and permeability of the natural subgrade beneath the current plastic liner is unknown.
- The current plastic surface is wrinkled, torn, uneven and there is a concrete block along the liner floor.
- Laying smooth plastic on top of smooth plastic, particularly up embankments is likely to create a slip surface.
- The embankment slope is not known and a stability assessment has not been carried out.
- We do not have confidence in the integrity of the proposed measures.
- The current structure clearly has fundamental engineering failures, simply re-lining on top of poor quality plastic is unlikely to resolve the leaks in the long term.
- The design of the leachate treatment system has changed significantly from its original design and therefore NRW will not accept 'previous construction proposals' as per 2.5.5.

PLEASE NOTE : As stressed during previous sites visits, any repairs that are or have been carried out on the primary leachate lagoon are done so at the operators own risk. NRW consider the work undertaken to be a temporary measure until such a time that a permanent solution is put in place whereby the lagoon is re-built according to current best practice and standards.

ACTION 1:

Due to the CQA plan not being approved, compliance with 2.5.5 and 2.5.6 of the permit has not been achieved. In order to comply with these permit conditions, you must provide no later than 8th February 2019 the relevant construction proposals for a long term solution which considers the bullet points above.

We also expect as a minimum, the following information

- A detailed design
- Detailed specification
- CQA Plan
- Site setting information
- Details of subgrade
- Depth to the water table and depth of lagoon base
- Capacity of design
- Leakage detection, ongoing monitoring and maintenance proposals
- Detail of embankment material and slope
- Stability assessment (if required)
- Details of HDPE selection
- Panel layout plans
- HDPE permeability
- Chemical resistance testing
- Third party CQA engineer and supervisory CV's

Failure to provide this information may lead to enforcement notice being issued.

ACTION 2

Operator to confirm if leaks from the leachate treatment lagoon has stopped and provide supporting evidence to support this..

Please respond no later than 12th November 2018.

ACTION 3

Due to the emissions of leachate to ground as a result of significant failure associated with the leachate treatment lagoon's infrastructure (which has been occurring for a significant amount of time) Natural Resources Wales require the operator to assess the environmental impact of the leaked leachate to ground / groundwater. Please provide your plans no later than 30th November 2018. In this response the operator should also include details of what increased monitoring /maintenance checks will be undertaken on the leachate treatment lagoon whilst long term solutions are being considered/implemented.

EPR Compliance Assessment Report

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Operator/Permit holder	Sundorne Products (Ilanidloes) Ltd	Date	22/10/2018

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			
E2	O	See actions in CAR form	30/11/2018
B1	O	See Actions in CAR form	08/02/2019

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.