

Compliance Assessment Report

Report ID:
CAR_NRW0034100

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	24/10/2018	Time in	09:00	Out	17:00
Assessment type	Report/Data Review				
Parts of the permit assessed	All below				
Lead officer's name	Ellis, Rhys				
Accompanied by	Ewan Thomas (Geotechnology limited) ,McClymont, James				
Recipient's name/position	David Williams/ Technical manager	Date issued	31/10/2018		

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
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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

Sundorne Products (Llanidloes) Ltd submitted a construction quality assurance validation report - Permanent capping works 2017 REF EL/PWMBP/CQCAP/1.00/2017 for phase 9C/9D.1.

B1- Engineering to control emissions

On reviewing the CQA validation submitted it has raised significant concerns, these are detailed in Geotechnology Limited full report (dated August 2018) attached. A summary of the main concerns are raised below.

- Enviroarm refer to CQA plan revision 2.00 for the basis of the validation report. This is the plan NRW have reviewed the validation report against.
- It appears at the time when the associated CQA plan was submitted, NRW requested more information in regard to the CQA plan (Revision 2.00) Amongst some of this information NRW required were details of the proposed surface water management drainage layer which was not received, which means that the CQA was not approved at the time.
- The soil protection layer has not yet been completed. Consequently, the CQA validation report is only partly complete. The validation report cannot be considered until all of the work requiring validation as described in the CQA plan has been provided, recorded and validated.
- There is a fundamental design issue concerning the steepness of the slopes and the choice of textile protection fabric rather than geo-composite layer. The use of this fabric during these works is not in accordance with the stability risk assessment.
- Whilst many of the procedures have been followed during construction, certain parts of the two CQA procedures have not been carried out as the CQA plan stated they should. Two significant issues with compliance testing have been identified : the failures of all the LLDPE conformance tests to fully meet the specification and the selection and use of a protection fabric that does not meet the requirements of the specification.
- A site inspection carried out by Geotechnology Limited has revealed several significant issues with condition of the works.
- * Regulating officers also during site inspections noted that within stockpiles of material/waste (which appeared to be soil/subsoil) located on the cap were large sharp objects such as large sharp rocks, steel, wiring and wood which could damage the capping membrane , this raises questions on the suitability of material and waste acceptance/ inspection regime for material received and used on the cap.

In conclusion, for the reasons stated above, the incomplete validation report, the failure to meet specification requirements, the absence of required documents and reservations about the condition of the work on site, NRW does not approve the validation report.

Action 1

The operator must review and address concerns highlighted in this CAR form (and attached Review of CQA validation report produced by Geotechnology Limited) and respond to NRW with a proposal of how you will satisfy conditions 2.5.5 and 2.5.7 of the permit and ensure that satisfactory capping infrastructure works are undertaken on the phases mentioned in the report. Any response should be mindful of the regularisation of the over tip and the current permit variation that is currently being considered by NRW.

Please also note that due to the issues and concerns raised in reviewing this validation report, it is likely that a new CQA plan will be required to be submitted and approved by NRW prior to any works commencing, followed by a CQA validation report for the

works.

EPR Compliance Assessment Report

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Site	Bryn Posteg Landfill	Permit Ref	BU7766IC
Operator/Permit holder	Sundorne Products (Ilanidloes) Ltd	Date	24/10/2018

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			

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.