

## Compliance Assessment Report CAR\_NRW0039410

**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:** Report/Data Review, Reason: Routine.

On 30/12/2021 between 09:00 and 17:00.

Parts of permit assessed: Q4 Returns and Annual Report

**NRW Lead Officer:** Paul Challender.

**Report sent to:** Deborah Hall, Environment, Health and Safety Compliance Manager on 18/02/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	Permit Condition 4.2.3, Schedule 4, Table S4.1. CCS Score 4.
E4 - Emissions - Sewer	C3 Minor	Permit Condition 3.7.1(b), Schedule 3, Table S3.3.
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	
E2 - Emissions - Land and groundwater	C3 Minor	Permit Condition 3.1.7, Schedule 3, Table S3.6.
E1 - Emissions - Air	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	Permit Condition 4.2.2, Schedule 4, Tables S4.1.

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

Total number of non-compliances recorded	Total non-compliance score
4	8.2

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
G4	Consolidate score (Q4). Ensure monitored temperature data for point source emissions to sewer is reported in quarterly returns. Management systems and or procedures for control of contractors should be reviewed to ensure this omission does not reoccur.	31/03/2022
E4	Submit completed Schedule 5 Part B for the COD breach investigation.	31/03/2022
G4	Consolidated score (Q4). Action 3: Append nil returns or monitoring data as appropriate for SW3 to future monitoring returns.	31/03/2022
G4	Consolidated Score (Q4). Action 4: Ensure monitored temperature data for groundwater is reported in quarterly returns.	31/03/2022
E2	Action 5. Operator to continue to follow gas management plan and ensure efficient collection and utilisation of landfill gas. Provide an update to NRW by the due date in relation to what actions have been taken to address the exceedances in the external monitoring boreholes identified above.	31/03/2022
E1	Action 6: with reference to in waste gas concentrations and balance, provide a written update on what assessments/ investigations have been carried out and what actions have been taken.	31/03/2022
G4	Consolidated Scores (Annual). Action 7: Submit trace gas, landfill gas from capped surfaces and engine and flare emission monitoring to NRW	31/03/2022

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.

### **At this time, we do not intend to take any further action.**

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

This Compliance Assessment Report (CAR) has been generated due to a routine review of the Q3 Monitoring Returns for October - December 2021 and the Annual Report for 2021.

### **Q4 Monitoring Returns**

Q4 Monitoring Returns was received via email on 25/01/21 in compliance with Permit Condition 4.2.3.

### **Leachate Levels**

Leachate levels are required to be monitored by Permit Condition 3.7.1(a), Schedule 3, Table S3.1 and have an emission limit value (elv) of 1 m above sump base applied. No breaches of the elv were reported. LCP2-A was dry and LCP7 was dry or very low during the monthly monitoring dips there were however, several instances of leachate heads at other wells being near to or at the elv limit.

### **Leachate Quality**

Leachate quality is required to be monitored by Permit Condition 3.7.1(a), Schedule 3, Table S3.9 with a varying temporal ranges for different parameters. Data for parameters to be monitored monthly, six monthly and annually were submitted in accordance with the condition.

LCP2-A and LCP7 were dry on the day of sampling and therefore no results are presented for these two wells.

### **Point Source Emissions to Sewer/Treated Leachate**

Point source emissions to sewer which, is comprised of the treated leachate output is required to be monitored by Permit Condition 3.7.1(b), Schedule 3, Table S3.4. Most submitted data was reported as under the limits required by the relevant elvs.

There is a requirement for the parameter of Temperature to be monitored with an applied elv of Less than 43°C, temperature data has not been provided. This is a recurring issue and management systems and or procedures for control of contractors should be reviewed to ensure this omission does not reoccur.

Chemical Oxygen Demand (COD) has a stated elv of 1000 mg/l applied by Permit Condition 3.7.1(b), Schedule 3, Table S3.3. A breach of this limit occurred in the December sampling round, generating a compliance score. The identified breach of 1235 mg/l was reported in the Q4 monitoring returns and supported with a Schedule 5 - Part A notification stating that and investigation is underway, I look forward to receiving your Schedule 5 - Part B in due course.

**Score:** (G4) Reporting and notification to Natural Resources Wales. Permit Condition 4.2.3, Schedule 4, Table S4.1. CCS Score 4. *Further scores generated under this compliance criteria for Q4 quarterly reporting and shown in italics below have been consolidated into this score.*

**Action 1:** Ensure monitored temperature data for point source emissions to sewer is reported in quarterly returns. Management systems and or procedures for control of contractors should be reviewed to ensure this omission does not reoccur.

**Score:** (E4) Emission - Sewer. Permit Condition 3.7.1(b), Schedule 3, Table S3.3. CCS Score 3.

**Action 2:** Submit completed Schedule 5 Part B for the COD breach investigation.

### **Point Source Emissions to Water/Surface Water**

The operator reported data for Surface Water which relates to Point Source Emissions to Water as required to be monitored by Permit Condition 3.7.1(b), Schedule 3, Table S3.3.

Data was not reported for emission point SW3 which, requires monthly monitoring when discharge occurs. The lack of data would indicate that no discharge has occurred. It would be of benefit to record a nil return for this emission point when no discharge occurs, as per the required fields in Water1.

Full data for the required parameters at P1 & P2 was submitted. All parameters were within permitted limits.

**Score:** Permit Condition 4.2.3, Schedule 4, Table S4.4. (G4) Reporting and notification to Natural Resources Wales. *Consolidated CCS Score 4 - all breaches relating to unreported data have been consolidated.*

**Action 3:** Append nil returns or monitoring data as appropriate for SW3 to future monitoring returns.

### **Groundwater**

Ground water levels and quality were reported as per Permit Condition 3.7.1(c), Schedule 3, Table S3.5 & S3.10. Data was reported for all required points including an indication that point W11 was dry and therefore no data for the required parameters was presented for these monitoring points. Again, the temperature parameter was not reported for any listed monitoring point as required by Table S3.10.

Most reported parameters at relevant monitoring points were within compliance limits.

The data shows that monitoring point W01 had a chloride measurement of 291 mg/l which is above the permitted limit of 69mg/l. The operator previously made an informal submission to Natural Resources Wales (NRW) proposing to increase the compliance limit for the chloride parameter due to road salt. NRW is satisfied that the compliance limit could be increased to 500mg/l with review on a regular basis. The operator submitted a permit variation to NRW on 26/05/21. As part of this variation, the operator has applied to increase the chloride limit for groundwater monitoring point W01 from 69mg/l to 500mg/l. It is recognised that this is an ongoing issue and the operator has taken appropriate steps to try and resolve the issue by applying to vary the permit to increase the compliance limit for chloride in W01. Although this is a breach of Permit Condition 3.1.5, it has been recorded as an ongoing issue and has not attracted a CCS score for (E2) Land & Groundwater.

**Score:** Permit Condition 4.2.3, Schedule 4, Table S4.1. (G4) Reporting and notification to Natural Resources Wales. *Consolidated CCS Score 4 - all breaches relating to unreported data have been consolidated.*

**Action 4:** Ensure monitored temperature data for groundwater is reported in quarterly returns.

**Landfill Gas in External Monitoring Boreholes**

The operator has submitted monitoring data for landfill gas in external boreholes situated around the perimeter of the waste mass as per Permit Condition 3.7.1(d), Schedule 3, Table S3.6. The data includes the required parameters of methane, carbon dioxide, and oxygen and, relative pressure. In total, there were 37 occurrences when the methane result exceeded the compliance limit of 1%v/v and 53 occurrences when the carbon dioxide result exceeded the compliance limit of 1.5%v/v. This is an increase in exceedances when compared with Q3. Methane concentrations as high as 82.8% and carbon dioxide concentrations as high as 29.2% were recorded. These exceedances are considered a breach of Permit Condition 3.1.7, Schedule 3, Table S3.6 with the potential for a minor environmental impact.

Schedule 3 Table S3.6 also requires the monitoring of meteorological data from the on site weather station. All required parameters and extra meteorological data has been reported at a temporal frequency that exceeds the permitted requirement.

**Score:** Permit Condition 3.1.7, Schedule 3, Table S3.6. (E2) Emission - Land. CCS Score 3

**Action 5:** Operator to continue to follow gas management plan and ensure efficient collection and utilisation of landfill gas. Provide an update to NRW by the due date in relation to what actions have been taken to address the exceedances in the external monitoring boreholes identified above.

**Landfill Gas - other monitoring requirements**

The operator has provided monthly in waste landfill gas collection system data as required by Permit Condition 3.7.1(d), Schedule 3, Table S3.8. The data provided shows there were 76 occurrences where oxygen >5% and 255 occurrences where balance gas >20%. Table S3.8 of the permit specifies, where the Oxygen level exceeds 5% or the % balance gas is greater than 20% an assessment of air ingress into the system shall be undertaken.

**Score:** Permit Condition 3.7.1(d), Schedule 3, Table S3.8. (E1) Emission - Air. No CCS score applied.

**Action 6:** Action only - with reference to in waste gas concentrations and balance, provide a written update on what assessments/ investigations have been carried out and what actions have been taken.

**Particulate Matter in Ambient Air**

*Appendix E Dust* in the submitted returns contains the relevant data to comply with the requirement of Permit Condition 3.7.1(e), Schedule 3, Table S3.11. All submitted data was in compliance with the stated elv of 200 mg/m3 /day.

**Annual Report**

The operator submitted their annual report to NRW via email on 31<sup>st</sup> January 2021 as required by Permit Condition 4.2.2.

The annual report comments on relevant areas on landfill operations as per the sub-criteria of Permit Condition 4.2.2 including performance parameters and production/treatment discussing trends across several reporting years, for example decreasing methane concentration trends in perimeter wells over three years.

There are some notable omissions from the submission as required by Permit Condition 4.2.2. The report states that trace gas and landfill gas from capped surfaces have been monitored. The report also states that an engine and flare emission monitoring report will be submitted separately with no indication of whether the monitoring has been completed. The lack of submission by the required date raises a breach of permit conditions for annual reporting. These breaches have generated a compliance score which, has been consolidated for annual reporting.

The report and linked Schedule 5 submission identifies that one of the perimeter gas monitoring bore holes that was breaching methane limits has now come into compliance. This improvement has occurred since emptying the site septic tank near this location and it is believed by the operator that the septic tank was influencing the results at this monitoring point.

Permit Condition 4.2.2(h), Schedule 4, Table S4.3 requires the reporting of annual bioaerosol monitoring. The monitoring is required by Permit Condition 3.7.1(f), Schedule 3, Table S3.12 but is only required if and when the Section 5.4 Part A(1)(a)(i) activity is operational. As this activity is not and has not been operational for some time the defined monitoring is not required. It would be of benefit to add a section reflecting this position in the next annual report.

**Score:** (G4) Reporting and notification to Natural Resources Wales. Permit Condition 4.2.2, Schedule 4, Tables S4.1. Consolidated CCS Score 4. *This score consolidates the applied CCS scores for annual reporting omissions.*

**Action 7:** Submit trace gas, landfill gas from capped surfaces and engine and flare emission monitoring to NRW.

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.