

Compliance Assessment Report CAR_NRW0039582

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 03/03/2022 between 12:35 and 14:45.

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 29/03/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E1 - Emissions - Air	C3 Minor	3.1.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.3.1 and 4.3.2
G3 - Monitoring and Records, Maintenance and Reporting - Maintenance records	Action only (X)	
C3 - General Management - Materials acceptance	C4 No impact	2.1.1
A1 - Specified by permit	C3 Minor	2.7.2
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
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
E1	Action 2: Provide NRW with a completed schedule 5 notification (parts A and B) for the SWIP ELV breach.	20/04/2022
G4	Action 2: Provide NRW with a completed schedule 5 notification (parts A and B) for the SWIP ELV breach.	20/04/2022
G3	Action 1: Provide NRW with an update in writing detailing the maintenance completed on the SWIP between 01.12.21-21.03.22.	20/04/2022

Criteria	Action needed	Complete by
C3	Action 4- Only leachate arising from the landfill is permitted to be stored and treated in the balancing lagoon/treatment lagoon until written authorisation is given by NRW.	31/03/2022
A1	Action 5- In writing, provide NRW with the exact quantity of off-specification compost that has been brought onto the cap since 01.01.22. Action 6- Provide NRW with an updated version (version 3) of 'Restoration soil upper profile-Bryn Posteg landfill, pre-production declaration of compliance BS3882:2015' which addresses the comments sent 07.01.22 for review.	20/04/2022
C4	Action 3: Ensure ash wastes from SWIP stored in the 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 by the date specified.	02/05/2022

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

This was a routine, unannounced site inspection. On arrival, officers were met by the Environment, Health and Safety Compliance Manager who accompanied them around the site.

It was raining at the time of the inspection.

The Small Waste Incineration Plant (SWIP) was not operational, and the operator stated that it was undergoing maintenance work. A contractor was observed working on the SWIP.

It should be noted that the SWIP was not operational during the last site inspection (07.12.21) as maintenance work was being completed.

Action 1: Provide NRW with an update in writing detailing the maintenance completed on the SWIP between 01.12.21- 21.03.22.

Fuel for the SWIP was stored inside the storage building. This fuel was shredded waste wood. Although there were a small number of contaminants identified e.g. plastic wrapping, painted wood, overall, the quality of the fuel was much improved compared to the fuel observed during the last site inspection 07.12.21.

Annual emissions testing for the SWIP was carried out 08.12.21 by an MCERTS accredited test house. After requesting the annual emissions testing results/ report for the SWIP several times, NRW received these on 24.03.22.

The emission monitoring results show that total particulates recorded a value of 88.6 mg/m³ which is in excess of the permitted Emission Limit Value (ELV) of 50 mg/m³. NRW considers this a breach of permit condition 3.1.2 which states

'The limits given in schedule 3 shall not be exceeded, save that compliance with an emission limit in that table shall include incorporation of the uncertainty allowance stated in Environment Agency guidance LFTGN 05 and LFTGN 08 (E1-CCS3).

All other parameters monitored were within permitted ELVs.

NRW has not received a completed schedule 5 notification (parts A and B) for the ELV breach referred to above. NRW considers this a breach of condition 4.3.1 (b)

'In the event of a breach of any permit condition the operator must immediately-

(i) inform Natural Resources Wales, and

(ii) take the measures necessary to ensure that compliance is restored within the shortest possible time

and condition 4.3.2

'Any information provided under condition 4.3.1 (b)(i) where the information relates to the breach of a limit specified in the permit, shall be confirmed by sending the information listed in schedule 5 to this permit within the time period specified in that schedule.'

(G4-CCS4)

Action 2: Provide NRW with a completed schedule 5 notification (parts A and B) for the SWIP ELV breach.

Officers noted that Action 3, listed in CAR NRW-0039119 sent 23.12.21, has not been completed

'Ensure the ash wastes stored in the metal container on the MRF permit are consigned as hazardous waste and transported to a facility authorised to accept them'

These wastes were still stored in the container on the MRF permit (permit ref UP3995CV). This was discussed with the operator who confirmed they would be removed from site and consigned as hazardous waste.

Action 3: Ensure ash wastes from SWIP stored in the 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 by the date specified.

Levels in the leachate treatment lagoon and balancing lagoon were high. The operator confirmed that leachate from the composting pad (permit ref CB3834RQ) was being deposited in the balancing lagoon. Officers observed a site operative transport a tractor-driven bowser full of compost leachate to the balancing lagoon.

As specified in the permit -condition 2.1.1-The operator is only authorised to carry out the activities specified in schedule 1-Operations ,table S1.1 activities, Section 5.4 Part A(1)(a)(i) Disposal of non-hazardous waste in a facility with a capacity exceeding 50 tonnes per day by biological treatment-Storage and treatment of leachate arising from the landfill.

The operator has applied to NRW to vary the landfill permit to allow the acceptance of compost leachate into the balancing lagoon/treatment lagoon. However, the variation has not yet been fully assessed by NRW. Therefore, compost leachate remains an unpermitted waste type for acceptance at the leachate lagoons. NRW will consider the deposit of compost leachate into the leachate/balancing lagoons a permit breach until this waste type is incorporated into the permit upon successful determination of the variation.

NRW considers the acceptance of compost leachate into the balancing lagoon at Bryn Posteg a breach of permit condition 2.1.1 (C3-CCS4).

Action 4- Only leachate arising from the landfill is permitted to be stored and treated in the balancing lagoon/treatment lagoon until written authorisation is given by NRW.

During the inspection, the operator provided officers with a transaction report which showed 25 tanker loads of leachate, coded by the operator as EWC 19-07-03, had been removed from the balancing lagoon between 22.02.22- 03.03.22. The operator stated these had been taken to Monkmoor treatment works.

A significant amount of off-specification compost from the composting permit (CB3834RQ) had been deposited on top of the landfill cap (BU7766IC). Officers observed dumper trucks transporting several loads of compost from the compost permit and taking it up onto the cap. The operator explained that they hired machines to complete this work.

NRW considers this a breach of permit condition 2.7.2 as off-specification compost is not yet permitted to be stored on the cap or used in restoration of the landfill as it is still subject to approval by NRW via a pre-operational condition of the permit (A1-CCS3).

The operator was scored for the same issue during a site inspection 31.03.21 (CAR_NRW037736).

NRW understands that the operator wants to use off-specification compost in restoration of the landfill. NRW reviewed the following document 'Restoration soil upper profile-Bryn Posteg landfill, pre-production declaration of compliance BS3882:2015 -Version 2' and sent comments to be addressed by the operator 07.01.22. This was followed by a meeting with the operator 20.01.22. During this meeting, NRW made it clear that off-specification compost could not be used in restoration of the landfill until the operator had received approval from NRW.

NRW is still awaiting a response to the comments sent to the operator and the use of off-specification compost is still subject to approval by NRW.

Action 5- In writing, provide NRW with the exact quantity of off-specification compost that has been brought onto the cap since 01.01.22.

Action 6- Provide NRW with an updated version (version 3) of 'Restoration soil upper profile-Bryn Posteg landfill, pre-production declaration of compliance BS3882:2015' which addresses the comments sent 07.01.22 for review.

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 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

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.