

Compliance Assessment Report

Report ID:
CAR_NRW0034441

This form will report compliance with your permit as determined by an NRW officer

Site	Bryn Posteg Composting Facility	Permit Ref	CB3834RQ		
Operator/Permit holder	Sundorne Products (Llanidloes) Ltd				
Regime	Waste Operations				
Date of assessment	17/12/2018	Time in	11:30	Out	13:30
Assessment type	Audit				
Parts of the permit assessed	All below				
Lead officer's name	Ellis, Rhys				
Accompanied by	Haf Paskett				
Recipient's name/position	David Williams/ Technical manager	Date issued	15/01/2019		

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
A1 - Specified by permit	C3	2.4.1
B4 - Infrastructure - Containment of stored materials	C3	3.1.3
C1 - General Management - Staff competency/training	C2	1.1.1 (a) and 1.1.1 (b)
E2 - Emissions - Land and groundwater	C3	3.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.2.2

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	5	Total compliance score (see section 5 for scoring scheme)	47
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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 fire within the composting facility appeared visually to be out. The following observations/permit breaches were noticed on site today. The main contents of this CAR from was covered in an email to the operator dated 18th December 2018.

E2 – Emissions to land

It was noted that the leachate tank for the composting pad was full and overflowing to ground (see photograph 1)



Photograph 1

In addition to this there was a concerning volume of contaminated water that had accumulated within an earth banked area north of the composting pad. It was explained that this was surface water mixed with fire water runoff and effluent from composting pad and also effluent from the composting effluent tank which was overflowing (See Photograph 2).

Action 1 : Can you confirm whether there is any potential for this contaminated water accumulated behind the earth banked area entering surface water.



Photograph 2

Condition 3.1.1 of the permit stipulates that emission of substances not controlled by emission limits excluding odour) shall not cause pollution. The operator shall not be taken to have breached this rule if appropriate measures, including, but not limited to, those specified in Table 3.1 of permit.

This condition has been breached due to the emissions of composting leachate to ground and also large volumes of composting runoff and fire water accumulating in the earth banked area on site.

It is also worth noting that appropriate measures have not been taken to ensure that the contaminated water was contained appropriately.

A **CCS Score 3** has been scored on this occasion.

Action 2.

Due to the contamination sources (Fire water runoff and compost leachate) within the earthed banked area, this water should be viewed as contaminated water and be disposed of appropriately. Please update NRW no later than 23rd January 2019 with supporting documentation of where this contaminated water has been disposed.

Action 3.

Please confirm whether the effluent tank has been emptied since the last visit (17/12/18) and provide the dates of the last 3 times the tank has been emptied with supporting documentation to all these points. This should be provided to NRW no later than 23

January 2019

A1 – Specified by permit

Contaminated oversized green waste

Condition 2.4.1 of the permit stipulates that the activities shall not extend beyond the site, being land shown edged green on the site plan attached to the permit.

An apparent unauthorised deposit of oversized un screened green waste was noticed on the capping of the landfill which is not within the permitted boundary of this permit (Photograph 3). This is a breach of permit condition 2.4.1 mentioned above and could also be viewed as a contravention of the suspension notice currently in place for the landfill operation. A **CCS score of 3** is applied.



Photograph 3

Action 4

Please provide the following details -

- Details of what this material is
- Why was it deposited here
- The origin of this waste material
- When it was deposited here
- Quantity of this material stored at this location
- Details of plans to remove this off the capping area

Please note that NRW have requested this information previously (by 21 December 2018) but no response has been received. Please provide this information no later than 23rd January 2019

Action 5

Please provide details of what proportion of the composted material achieves PAS100 on site and details of final destination for the PAS100 and waste compost streams for the last 6 months. If PAS 100 supporting documentation should be provided.

Please respond by 23rd January 2019.

G4 - Reporting and notifications

Our records indicate that the operator have not supplied any information in regard to waste accepted and removed from site since those relevant to Q4 2017.

Condition 4.2.2 of the permit is therefore breached and a **CCS score of 3** is applied.

Action 6 Please forward all of the 2018 information no later than 31st January 2019.

B4 – Containment of stored materials

The effluent tank for the composting pad is without secondary bunding. Condition 3.1.3 requires all liquids in containers, whose emissions to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.

Condition 3.1.3 is breached and a **CCS score of 3** is applied on this occasion.

Action 7. Please provide details of how the operator will ensure secondary containment around this tank no later than 28th

February 2019.

It is also of concern that there is a pathway for runoff from the front of the pad to flow to ground and out of the permitted area.

All the areas associated with the storage, physical treatment, composting and maturation of waste shall take place on an impermeable surface with sealed drainage system as required by condition 3.1.3

Action 8 Please demonstrate how the operator will ensure compliance with the above. Please respond no later than 28th February 2019.

C1- General Management – Staff competency/ training

Permit condition 1.1.1 (b) stipulates that the operator shall manage and operate the activities in accordance with a written management system and using sufficient competent persons and resources. The permit breaches noted in this compliance assessment report form raise concerns about the awareness of permit conditions, management systems and associated procedures and plans, by the directors and relevant site personnel. There appears to be a lack of understanding on several aspect of the permit requirements and a failure either to follow relevant procedures or have adequate procedures in place resulting in several breaches of permit conditions and pollution of environment, examples include:

- No secondary containment to composting leachate tank
- *Unauthorised discharge to ground of fire water contamination and leachate effluent
- Management of compost leachate within leachate storage tank.
- Failure to notify Natural Resources Wales.
- Failure to take measures necessary to limit the environmental consequence of incidents and take measures necessary to prevent further possible incidents or accidents
- *Unauthorised deposit of waste beyond site boundary

It is also concerning that such large volumes of green waste /compost is currently stored on the pad and the fact that its inappropriate management is likely to be contributing factor to other breaches of permit such as compost being stored at unauthorised locations and elevated temperatures and the smouldering etc. Observations raises concerns on the operator familiarity on operating procedures for managing the composting process. Your operating procedures highlights details for the compost process including batch formation, size and monitoring and maximum storage duration for materials on site.

The main material stored on the composting pad appeared to be a one single stockpile with no distinctive differentiation between batches and windrows etc raising concerns on the operators compliance with its own operating procedures (See photograph 4 below).

As a result of all the concerns noted above the number and severity of the permit breaches a **CCS score of 2** has been applied on this occasion under condition 1.1.1 (b)

Management Systems

Due the nature of the breaches noted today NRW consider that the EMS is inadequate to ensure full compliance with permit conditions and fails to minimise the risk of pollution, including those arising from the operations. Maintenance, accidents, incidents, non-conformances etc.

Amongst some of the sections that need to be included / amended within the EMS (but not limited to) are the following

- Material acceptance, storing and handling
- Site drainage, containment and bunding
- Site checks/records/maintenance
- Reporting and notification
- Accident management plan
- Staff training

As a result, a CCS score of 3 is applied under condition 1.1.1 (a) which on this occasion is consolidated with the above score.

Action 9 Operator to review, amend and update the EMS (Operating procedure) accordingly and forward a revised copy not later than 29th March 2019.



Photograph 4

EPR Compliance Assessment Report

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Site	Bryn Posteg Composting Facility	Permit Ref	CB3834RQ
Operator/Permit holder	Sundorne Products (Llanidloes) Ltd	Date	17/12/2018

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			
B4	C3	see actions in CAR form	28/02/2019
G4	C3	see Car Form	31/01/2019
A1	C3	see actions in car form	23/01/2019
E2	C3	See actions in CAR form	23/01/2019
C1	C2	see actions in CAR form	29/03/2019

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.