

Compliance Assessment Report

Report ID:
CAR_NRW0032989

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

Site	Nant-y-caws Landfill Site (Phase 1 Effluent Treatment Plant)	Permit Ref	PP3338CQ			
Operator/Permit holder	WEBS Limited					
Regime	Installations					
Date of assessment	21/02/2018	Time in	10:30	Out	13:00	
Assessment type	Audit					
Parts of the permit assessed	1.1, 4.2, 4.3,					
Lead officer's name	Thomas, Ffion					
Accompanied by						
Recipient's name/position	Dan Simons/ Project Manager, ExCAL Limited	Date issued	05/03/2018			

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

This Compliance Assessment Report (CAR) form has been completed following the site visit and audit of the Nant y Caws phase 1 landfill leachate Treatment plant, permit number PP3338CQ, undertaken on 21st February 2018.

Attendance

Dan Simons *BSc (Hons)* Project Manager, ExCAL Limited
Phil Knight (Engineer) from ExCal
Shaun Jones (MD for JEMS Environmental)
Ffion Thomas (SEO) NRW

Agenda

Reports/returns submission
TCM checks
Monitoring
Waste treatment BREF informing.
Pre-app advice

Additional site visit Incident identification details:

On arrival at site it the operatives highlighted a pollution issue coming from the surface water lagoons of the phase 2 operational landfill, some time was spent working with staff of CWM ltd to stop the pollution and this incident was passed to the landfill regulatory officer to follow up.

Staff of Webs and associated consultants and operational staff at the treatment plant are commended for their vigilance and for bringing this incident to our attention.

Background:

The operations staff of the Nant Y Caws phase 1 closed landfill leachate treatment plant has changed, with Carmarthenshire County Council having issued the contract to a new operator, ExCal Limited.

This new contract has highlighted an error with the permit. The permit is issued to WEBS as the operators. The new contract has changed this detail. Dan Simmons had previously been in touch with NRW to discuss this matter and he is in the process of completing the required application forms to transfer the permit from WEBS to Carmarthen council.

This issue need to be completed as a matter of priority. An email was sent 28/2/18 confirming that an application to transfer is required to be submitted by 31/3/18.

Reporting/returns: a check was undertaken of the sites electronic files held by NRW and found

that there had been no submission of the required quarterly waste returns and annual report was late. It is understood the waste returns had been delayed due to the change in operators. EXCAL have confirmed that the returns will be submitted by end of February. The annual report is also to be submitted by this date. A review of the site file on the 5/3/18 shows no submissions having been made. As there has been a delay in getting this CAR form submitted I have chosen to extend the submission deadline to 31 March 18.

ACTION EXCAL: submit annual report by end of March. further delays that have not been agreed will be scored.

TCM: A request for the current site operatives/staff's competency certifications was made. The Technically Competent Manager was confirmed as.....

ACTION EXCAL: Please forward a copy of the WAMITAB TCM certified certificate and any continued competencies by 31st March 2018

Monitoring: The site staff have not changed since the change in contracted operatives. The site is being run, maintained and monitored as was, and in line with the current permit. Monitoring is undertaken as per permit schedules, including daily checks. Reporting is required 6 monthly.

BREF: A discussion was held regarding the waste treatment BREF. The following link provides further information:

<http://eippcb.jrc.ec.europa.eu/reference/wt.html>

The introduction of the Industrial Emissions Directive (IED) saw changes to the waste treatment sector as well as other installation sectors. The specific change concerning the Nant y Caws treatment plant was the change that saw the inclusion of Hazardous treatment for recovery and disposal >10tpd.

Under the IED article 13 (1) the IPPC bureau (link below) "exists to catalyse an exchange of information between Member States and the industries concerned on Best Available Techniques (BAT"

"The Commission's guidance on the practical arrangements for the exchange of information under the [Industrial Emissions Directive \(IED, 2010/75/EU\)](#), including the collection of data, the drawing up of BAT reference documents (BREFs) and their quality assurance' as required by Article 13(3)(c) and (d) of the Directive can be found in the [Official Journal](#) of the European Union."

The waste treatment sector's BREF covers the installations of several waste (hazardous and non-hazardous) treatments, and deals with:

- common waste treatments such as the temporary storage of waste, blending and mixing, repackaging, waste reception, sampling, checking and analysis, waste transfer and handling installations, and waste transfer stations
- biological treatments of waste such as aerobic/anaerobic treatments and mechanical and biological treatments
- physico-chemical treatments of waste such as neutralisation, chromic acid and cyanide treatments, dewatering, filtration, harbour reception facilities, oil/water separation, precipitation, separation of mercury from waste, settlement, solidification and stabilisation, and UV and ozone treatments
- treatments to recover mainly waste material such as the reconcentration of acids and bases, the recovery of metals from liquid and solid photographic waste, the regeneration of organic solvents and spent ion exchange resins, and the re-refining of waste oils

- treatments to produce mainly solid and liquid fuels from hazardous and non-hazardous waste.

The BREF has been under review and the above link includes the final draft copy that I advise you make yourself familiar with especially the BAT conclusions found in chapter 6.

The final BREF is currently said to be due to be published this summer, June/July 2018. Following this NRW will be issuing notices to installations requiring the Bat conclusions to be met. We will be offering advice and guidance closer to the time and will be assessing for any gaps in meeting the BAT conclusions.

Form our site conversations it was apparent that you understand BREF's and the requirements/ways of working but please do get in touch if you have any concerns or wish to discuss any matters.

I will be copying Diane Thomas of Carmarthenshire County Council into the email that will contain this CAR form to ensure they are aware of the BREF implications.

Pre-Application advice: As requested to assist in completing the transfer permit application a brief discussion was had and actions assigned to NRW. A request for copies of the current permit, EMS and EP OPRA was received.

Email was sent 28th Feb containing the information available to share. A copy of the current permit and variations were shared, and a copy to the web site to complete a new OPRA profile sent. On review of the EMS it was noted the document is "owned" by WEBS (previous operators) and so NRW felt they were unable to share the document without requesting permission from WEBS. An alternative was suggested that a copy was known to be held by Carmarthenshire council and therefore a copy could perhaps be obtained via them.

AOB: Site observations showed the plant to be in good working order, monitoring was showing no signs of non-compliance. Staff are knowledgeable on the operations of the facility. Again you are thanked for your vigilance of the surrounding environment.

No other business was discussed at the time of the visit.

Summary of ACTIONS

- An application to transfer is required to be submitted by 31/3/18
- Submit annual report by end of March. further delays that have not been agreed will be scored.
- Please forward a copy of the WAMITAB TCM certified certificate and any continued competencies by 31st March 2018

END.

EPR Compliance Assessment Report

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Operator/Permit holder	WEBS Limited	Date	21/02/2018

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.

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.