

Compliance Assessment Report CAR_NRW0040099

Permit being assessed: PP3338CQ.

For: Nant-y-caws Landfill Site (Phase 1 Effluent Treatment Plant), held by Carmarthenshire County Council

At: Nant-y-caws Landfill Site (Phase 1 Effluent Treatment Plant) Llanddarog Road ,
CARMARTHEN, Dyfed, SA32 8BG.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 13/06/2022 between 10:00 and 12:00.

Parts of permit assessed: 2.4 Improvement Programme, 3.1 Emissions

NRW Lead Officer: Michael Launder, accompanied by Ffion Thomas.

Report sent to: Diane Thomas, Waste Strategy & Policy Officer on 07/07/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E3 - Emissions - Surface water	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
C2 - General Management - Management system and operating procedures	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
0	0

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
C2	Action: IC5 submission deadline agreed 31 August 2022	31/08/2022

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

Attendees

- Caroline Davies - Carmarthenshire CC (Permit Operator)
- Phil Knight - Excal
- Eleanor Prigmore - Excal
- Michael Launder - Natural Resources Wales
- Ffion Thomas - Natural Resources Wales

Introduction

This Compliance Assessment Report was completed following a site visit by Michael Launder and Ffion Thomas on 13 June 2022. The purpose of the site visit was to provide an overview of the site leachate treatment processes, following on from a breach of the permitted ammonium limit at the W1 discharge point on 16 May 2022. During the visit, the permit Improvement Condition 5 requirement to demonstrate Waste Treatment BREF BAT 1 (Environmental Management System), BAT 21 (Emissions from Accidents and Incidents) and BAT 23 (Energy Efficiency) was also discussed.

Breach of ammonium limit at W1

As reported by Excal on 18 May 2022, the sample taken from the French Drain on 16 May 2022 was above the permit limit for ammonium. This was reported in a Schedule 5 notification and the Part B referenced the immediate action of preventing the French Drain from discharging to the Afon Bantwen through diversion into the Effluent Treatment Plant Lagoon. Excal have now confirmed by e-mail (13 June 2022) that this diversion will be maintained and subsequent ammonium samples were below permit limits.

However, it appears from review of the permit boundary while on-site, the Schedule 5 notification is not pertinent to EPR-B3338CQ (Nantycaws Phase 1 ETP) but rather EPR-TP3298FH (Nantycaws Landfill Phase 1). As outlined in the follow up e-mail from Michael Launder to the Operator (Carmarthenshire CC) and Excal, this information has been passed to the NRW team responsible for the closed landfill permit.

Improvement Condition 5: BAT1 Environmental Management System, BAT21 Emissions from Accidents and Incidents, BAT23 Energy Efficiency

A document was submitted to NRW by Excal on behalf of the Operator on 20 May 2022, outlining areas of compliance against requirements of IC5. As advised on site, the document demonstrates that elements of a management system are already in place but an Environmental Management System should comprise a suite of documents, specifically the policy, procedures and plans (e.g. Accident Management Plan) outlined in the detail of BAT 1. In the case of the ETP, it will be important to present and clarify the management and reporting structure of the arrangement between Carmarthenshire CC (as the named permit operator) and any contractors (e.g. Excal).

Action: Operator to provide a further submission to demonstrate compliance with Improvement Condition 5 by 31 August 2022.

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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.