

Compliance Assessment Report CAR_NRW0041248

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: Report/Data Review, Reason: Routine.

On 31/12/2022.

Parts of permit assessed: Please see details

NRW Lead Officer: Michael Launder.

Report sent to: Diane Thomas, Waste Strategy & Policy Officer on 20/02/2023.

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	C3 Minor	4.2.2 & 4.2.3
E3 - Emissions - Surface water	C3 Minor	3.1.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.3.2

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

Total number of non-compliances recorded	Total non-compliance score
3	8.1

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	Operator to submit missing annual and six-monthly reporting data to the deadline specified.	03/03/2023
E3	Operator to submit action plan detailing proposed measures to be taken to reduce incidences of permit exceedances at W1 under similar conditions.	31/03/2023
G4	The operator to ensure that any Schedule 5 notifications are submitted to the timescales specified in the permit.	Already completed

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

Introduction

This is an assessment of the 2022 annual returns and compliance reporting for the Nantycaws Landfill Phase I Effluent Treatment Plant, operated by Carmarthenshire County Council.

Annual Reporting

Condition 4.2.2 of the permit states:

4.2.2 A report or reports on the performance of the activities over the previous year shall be submitted to Natural Resources Wales by 31 January (or other date agreed in writing by Natural Resources Wales) each year. The report(s) shall include as a minimum:

- (a) a review of the results of the monitoring and assessment carried out in accordance with the permit including an interpretive review of that data;*
- (b) the annual production / treatment data set out in schedule 4 table S4.2; and*
- (c) the performance parameters set out in schedule 4 table S4.3 using the forms specified in table S4.4 of that schedule.*

The annual returns were due on 31 January 2023 and have not been received by Natural Resources Wales on the date of issuing this report.

Six Monthly Reporting

Condition 4.2.3 of the permit states:

4.2.3 Within 28 days of the end of the reporting period the operator shall, unless otherwise agreed in writing by Natural Resources Wales, submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows:

- (a) in respect of the parameters and emission points specified in schedule 4 table S4.1;*
- (b) for the reporting periods specified in schedule 4 table S4.1 and using the forms specified in schedule 4 table S4.4 ; and*
- (c) giving the information from such results and assessments as may be required by the forms specified in those tables.*

The six monthly returns were due on 28 January 2023 and have not been received by Natural Resources Wales on the date of issuing this report.

The failure to submit the annual and six monthly reporting data is a breach of conditions 4.2.2 and 4.2.3 of the permit. This has been assigned a non-compliance category of C3 under sub-criterion G4 Reporting and Notification.

Action: Operator to submit missing annual and six-monthly reporting data to the deadline specified.

Schedule 5 Notifications

The Operator submitted 7 Schedule 5 Notifications relating to exceedances during 2022 of the permitted emission limit of 4.0 mg/l for ammonium at the W1 discharge point.

Date	Measured Value (mg/l)
24/11/2022	5.5
13/12/2022	4.3
14/12/2022	5.2
15/12/2022	7.6
16/12/2022	8.0
18/12/2022	8.6
21/12/2022	4.6

The Operator has indicated the likely root cause of these breaches was high rainfall, followed by a period of very cold weather. This increased the volume of water required to be treated by the plant and decreased the capacity of the biological treatment element of the plant.

The monitoring frequency as required by the permit is twice per week for on-site testing - the exceedances reported between 13 December and 18 December 2022 represent two breaches of the limits presented in Table S3.1 of the permit, and a total of four breaches over the period shown in the table above.

The ammonium breaches have been consolidated for the quarter (Q4 2022). This has been assigned a non-compliance category of C3 under sub-criterion E3 Emissions - Surface Water.

Action: Operator to submit action plan detailing proposed measures to be taken to reduce incidences of permit exceedances at W1 under similar conditions.

Permit condition 4.3.2 specifies, in reference to Schedule 5 of the permit, that breaches of permit limits are to be notified within 24 hours of detection. The breaches of the limit of the sample taken in November and December 2022 were not reported until January 2023 and should have been notified to NRW by the operator within 24 hours of detection.

This is a breach of condition 4.3.2 and has been assigned a non-compliance category C4 against sub-criteria G4 Reporting and Notification to Natural Resources

Wales.

Action: The operator to ensure that any Schedule 5 notifications are submitted to the timescales specified in the permit.

Note: This CAR report and assessment was undertaken on 20th February 2023. To ensure that the CCS score is attributed to the correct financial year the date on CARS system has been amended to 31 December 2022.

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.