

Compliance Assessment Report CAR_NRW0041690

Permit being assessed: EP3698FL.

For: Nantycaws H C I Transfer & Treatment Facility, held by CWM Environmental Ltd
At: Nantycaws Landfill Site, Llanddarog Road, Nantycaws, Carmarthen, Carmarthenshire, SA32 8BG.

Type of assessment carried out: Audit, Reason: Routine.

On 10/03/2023 between 10:00 and 13:00.

Parts of permit assessed: 2.5 Improvement Programme

NRW Lead Officer: Michael Launder, accompanied by Sally Wakeford.

Report sent to: Darren Sanders, Composting Site Manager on 27/04/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	

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?

No action required.

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 CAR form has been issued in response to the submission by Cwm Environmental of a suite of documents, collated to discharge eleven Improvement Conditions (ICs) relating to the IED Waste Treatment Best Available Techniques (BAT) Reference Documents (BREF) and associated BAT Conclusions.

A previous CAR form and site assessment (CAR_NRW0040938) confirmed that the documents initially submitted demonstrated compliance with IC3, IC4, IC7, IC8, IC9, IC12 and the associated BAT Conclusions.

Further evidence was requested in the CAR form to demonstrate compliance with the requirements of IC2, IC6, IC10, IC11 and the associated BAT conclusions. A further submission was made by the operator and the technical review of this submission and site assessment are outlined below.

It was also stated that the requirements of IC5 were not applicable to the process as it currently operates, but evidence will need to be provided that these requirements are fulfilled if in-vessel composting resumes.

Improvement Conditions & Waste Treatment BREF

IC2	<u>Fire Prevention and Mitigation Plan</u> During a site visit on 17 November 2022, NRW officers observed composting piles exceeding the limits on stack height, width and separation distances outlined <i>Guidance Note 16 Fire Prevention and Mitigation Plan Guidance - Waste Management</i>. The operator was immediately requested to submit a timetable for reduction of the height and width of the stacks, and the CAR form (CAR_NRW0040938) required the operator to amend the <i>Fire Prevention and Mitigation Plan</i>, and <i>Composting SOP</i> to incorporate the limits outlined in <i>GN16</i>. To fulfil these actions, the operator has submitted revised versions of the <i>Fire Prevention and Mitigation Plan (v1.5)</i> and <i>Composting SOP (v8.9)</i>. During a follow-up site visit on 10 March 2023, NRW officers observed that the composting material was being split into windrows, with height and width observed to be in line with <i>GN16</i>. The operator had yet to split the large stockpile of material awaiting composting, but outlined a staged plan to reach the <i>GN16</i> compliant layout shown in figure 1 of the <i>Composting SOP</i>. The submitted documents demonstrate compliance with the requirements of IC2.
IC6	<u>Storage of waste (BAT 4b - Storage Capacity)</u>

	Related to IC2 and the excessive scale of the stacks of composting material, the CAR form (CAR_NRW0040938) for the site visit of 17 November 2022 included an action for the operator to amend the <i>Fire Prevention and Mitigation Plan</i> and <i>Composting SOP</i> to include an upper limit of storage volume for the composting pad, above which further inputs of waste to be composted will be rejected. The operator has submitted revised versions of these documents, which include these upper limits. The submitted documents demonstrate compliance with the requirements of BAT 4b and IC6.
IC10	<u>Emissions to air monitoring and control of key waste and process parameters (BAT 36 - Aerobic Treatment)</u> The initial submission from the operator did not present the key waste and process parameters in the context of adverse environmental impacts that may arise from inappropriate management of these parameters e.g. high nitrogen leading to excess ammonia formation or low porosity creating anaerobic conditions within composting piles. The CAR form (CAR_NRW0040938) included an action to provide further detail on remedial actions to be taken in the event of adverse environmental impacts. The operator has submitted a revised version of the <i>Composting SOP</i>, which includes the requested remedial actions to be taken. The submitted documents demonstrate compliance with the requirements of BAT 36 and IC10.
IC11	<u>Diffuse emissions to air (BAT 37b - Aerobic Treatment)</u> The initial submission from the operator did not indicate any corrective actions to be taken in the event of adverse weather conditions e.g. spraying of composting piles and treatment pad to minimise dust generation or limiting the turning of piles during high winds. The CAR form (CAR_NRW0040938) included an action to explicitly outline how operations could be adapted to meteorological conditions, to prevent and reduce diffuse emissions to air of dust, odour and bioaerosols. The operator has submitted a revised version of the <i>Composting SOP</i>, which includes the requested alterations. The submitted documents demonstrate compliance with the requirements of BAT 37b and IC11.

The submitted documents and subsequent site visit demonstrate compliance with the Improvement Conditions and the associated BAT conclusions. The requirements of IC5 are not currently applicable but will need to be completed if in-vessel composting resumes.

Note that this review has been undertaken in the context of the submitted documents relevant to the waste treatment composting activity, and not the waste operations at the remainder of the site. These will be followed up separately.

Bioaerosols

The Monitoring section (3.5.1) of the site permit states:

3.5.1 The operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring specified in the following tables in schedule 3 to this permit:

(d) bioaerosol monitoring specified in table S3.6.

The operator has requested that the frequency of bioaerosol monitoring be reduced from the quarterly basis outlined in the permit, and submitted a revised *Site Specific Bioaerosol Risk Assessment* (Recogen Ltd, December 2022) in support. This report now reflects the mothballed status of the in-vessel composting process.

The revised *Risk Assessment* and 2022 quarterly reports have been reviewed, and it is concluded that the absence of any measured exceedance of "acceptable levels" and the distance to nearest sensitive receptors indicate a relatively low risk of bioaerosol impact. As such, a reduction to twice yearly monitoring is agreed.

This is on the basis that:

- a. If future monitoring indicates an exceedance of "acceptable levels" then bioaerosol monitoring should revert to quarterly.
- b. Any change in activity on site that may increase bioaerosol emissions (e.g. resuming the in-vessel composting process) should be preceded by a review of whether twice yearly bioaerosol monitoring remains appropriate.

Note that this reduction in frequency of monitoring is at the discretion of NRW and the situation will be reviewed periodically, taking into account the operational and environmental context of the site.

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.