

Compliance Assessment Report CAR_NRW0041888

Permit being assessed: AB3096CP.

For: Lamby Way Open Windrow Composting Facility, held by Welsh Water Organic Energy (Cardiff) Limited

At: Lamby Way, Rumney, Cardiff, CF3 4EQ.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 20/04/2023 - 26/05/2023.

Parts of permit assessed: Odour Management

NRW Lead Officer: Geraint Harris.

Report sent to: Adrian Thomas, Contracts Manager on 26/05/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
F1 - Amenity - Odour	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
F1	Action 1: Please provide an update on the commencement of the windrow trials	01/06/2023

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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

Welsh Water Organic Energy (WWOE)

EPR-AB3096CP**Odour Management Plan (OMP)**

NRW received WWOE's latest OMP following action 1 in CAR report CAR_NRW0041608.

Action 1: *Please can you update your odour management plan with details on how you intend to reduce the chance of anaerobic conditions developing within these oversize piles. Due 20th of April 2023.*

Although not in the OMP, WWOE state the following in their Compost Oversize Plan (COS): "We will be changing our processes to minimise the amount of COS on site, being more proactive in reception during the sorting process to determine and sort all material that needs to be shredded before batch formation (currently we only shred the carbon rich materials from HRWC sites). This result in a lot more incoming waste being shredded on site.

When the material has achieved Sanitisation and Stabilization it will be screened into three fractions:

- 10mm PAS100 Compost
- 40mm PAS100 Compost
- COS

The COS will then be shredded a second time before re-screening, the resulting COS that remains will then be added to the final storage areas. The COS is rescreened periodically during the year, at a minimum every 3 months to remove any smaller fractions within it. Ensuring that the oversize is above 40mm will reduce the chances of the oversize becoming anaerobic during any biological activity that occurs".

Although the organic content of the COS is lower it will still undergo a degree of biological activity and with the dimensions of these waste piles being approximately 10m x 4m x 18m this may result in anaerobic digestion and potentially generate malodours. WWOE's monitoring plan states that monitoring will be undertaken daily, with no further details. NRW would expect an operator to have a plan on how they will monitor the waste (COS) for anaerobic conditions and the actions they will take to mitigate these conditions from occurring. For example, the piles could be periodically monitored with 'take action' trigger levels for both oxygen and temperature. Actions following these triggers could include turning of these piles or removal of this material from site. If the piles of COS are found to be malodours and affecting receptors beyond the boundary and it is deemed that no such plan or comparable alternative is in place, then NRW will deem an operator as not employing appropriate measures and they will be penalised accordingly.

Temperature Control

CAR report CAR_NRW0041608 already lays out NRW's concerns regarding control of active compost windrows with regard to the generation of objectionable odours. Upon investigating incidents of odours released from composting sites, if it is observed that windrows are being maintained above temperatures of over 70°C. NRW will deem that the operator is not employing appropriate measures and the appropriate enforcement actions will be taken.

BAT 36 Compliance

It was agreed between WWOE and NRW that a trial comparing two different sized windrows (7m wide x 4m high v's 6m wide x 3m high) utilising a longer probe (2.5metres) could go ahead. This was agreed so that WWOE can measure the performance of their biological processes against BAT and to assess actions required to maintain an optimum environment. NRW view the proposed trial as just the starting point of a transition to full BAT/BRef compliance, however, this may ultimately necessitate the use of smaller windrows.

Therefore, following completion of these trials, if WWOE are unable to demonstrate reliable control and minimisation of the release of odorous gases, including ammonia, NRW may require the use of smaller windrows as set out in the WT BRef. In March WWOE notified NRW that the commencement of the trial has been delayed slightly. It is scheduled in with the technical specialist and scientist support to commence on the 10th of May. This was primarily due to the quality of waste being received after the commencement of household green waste collections. WWOE state that "The main reason for the delay is the quality of the waste we have been receiving since the collections have restarted. As an example, in the last couple of weeks we have rejected 17 loads of waste delivered to the site and we only rejected 18 loads last financial year in total. This gives you some idea of the poor-quality waste we have been receiving. As well as taking up a lot more time to clean and sort the waste isn't the best to get an official trial with. The waste does improve after the first couple of weeks and Cardiff have assured us that their crews will be looking for contamination in the bins".

Action 1: Please provide an update on the commencement of these trials. **Due 1st June 2023.**

CAR NRW0041608 - Seasonal Peak Volumes of Waste

Action 2: Please can you update your odour management plan with details on how you intend to manage seasonal peak volumes. **Due 20th of April 2023.**

With regards to Action2 an updated OMP has been submitted and accepted. Action complete.

Action 3: Please update you FPMP and operations to reflect the above distances. **Due 20th of April 2023.**

An updated FPMP has been submitted to NRW and accepted. Action complete.

End.

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.