

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

Site	Lamby Way Open Windrow Composting Facility	Permit Ref	AB3096CP		
Operator/Permit holder	Welsh Water Organic Energy (Cardiff) Limited				
Regime	Installations				
Date of assessment	17/04/2019	Time in	13:45	Out	15:40
Assessment type	Audit				
Parts of the permit assessed	Detailed below				
Lead officer's name	Griffiths, Toby				
Accompanied by	Tye, Laoni				
Recipient's name/position	Karl Pascoe/ Site Manager	Date issued	01/05/2019		

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
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B4 - Infrastructure - Containment of stored materials	A	
E5 - Emissions - Waste	A	

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
------------------------------------	----------	---	----------

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

Visit of 17/04/19

Introduction / Background

A site visit was arranged in response to complaints (WIRS refs: 1902403, 1902337, 1902421) that inappropriate material had been spread to land in the Vale of Glamorgan. The complaints referred to composted material which contained plastics, metals and glass in significant quantities, and of varying sizes. Photographs and samples have been seen by NRW, which show complete plastic cutlery, glass items, wire and other similar items. Clearly, an adequate screening and shredding process would prevent such materials from passing through into the final compost / soil improver. It is therefore unclear at this time, why such contaminants were present in material spread to land. Freeland Horticulture stated that they were not aware of any complaints from customers about their products.

Documents given to NRW at one of the locations in the Vale of Glamorgan (The Coach House, Michaelston Le Pit) was headed NRM Laboratories, and detailed analysis of compost from Kelda Freeland at Lamby Way Cardiff. The recipient of the analysis was named as Paul Whyatt of 4Recycling Ltd, Knottingley. However, the report was dated 2017, so it is likely to be an old copy. However, this information was sufficient to link the land spreading incident to the composting site at Lamby way, run by Freeland Horticulture Ltd (FH), on behalf of Welsh Water who hold the environmental permit EPR/AB3096CP.

Material is received from two main contracts: Cardiff Council and Vale of Glamorgan kerbside green waste collections. These are received on site and assessed for contaminants. The contract was stated to allow up to 5% contaminants e.g. 5kg/tonne, which is not an insignificant amount. Most contaminated loads were received from Cardiff, and FH reported that many loads were rejected based on "nature" i.e. visual identification of inappropriate material. An inspector from Cardiff then attends to confirm the rejection or to dispute it.

PAS100

The composting site maintains a Quality Protocol for compost, certified under the PAS 100 scheme. An annual audit is carried out by Organic Farmers and Growers, who are the certifiers of the scheme in this case. The last audit was 26/09/2018, and no areas of non-compliance were recorded. Two products are included in the scheme, a 0-10mm, and a 0-40mm compost. Each has a specific market. Generally, the 40mm product is considered appropriate for land spreading.

Companies involved in the process

John Crockford is an agricultural contractor who collects the material and spreads to land.

4Recycling act as a broker between FH and the end user of the compost. Adam Stone is the main contact for 4Recycling.

NRM are the accredited laboratory (UKAS 2334) who undertake the analysis of the compost for

compliance with the PAS100 standard and associated Quality Protocol.

Duty of care notes are used even though the material is defined as a product. An example was seen from 01/03/2019 for 15,300kg of 40mm product destined for Coach House Farm, Michaelston Le Pit. This was reported to equate to one trailer load. Other than spreading to land, other material also goes to Neals Soils which is nearby. Farmers receive the product for free, and Welsh Water / Freeland pay to have the material removed in the same way as a waste material.

Other recent deployments of material spread to land, include Rhua Farm, Wenvoe and Ty Fry, St Georges. All 3 deployments are within a similar area of the Vale of Glamorgan. The material at Michaelston le Pit was recorded as deployed on 18/04/2019.

Sampling

Samples are taken on a tonnage basis, rather than individual batches i.e. not every final product pile is sampled. The last sample was analysed on 18/02/2019 by NRM laboratories. The results indicated zero for all contaminants. A sample from 22/01/2019 stated 0.016% and 0.0195% for contaminants. Given that some small pieces of plastic were seen in the final product during the visit, seems unrealistic that the last 2 sets of analysis did not detect any plastics. FH were asked to explain this during the visit but were unable to provide a reason. Steve Holding, a Manager within Freeland Horticulture was stated to take the samples to deliver to NRM Labs. The samples are taken from the screening machine rather than the final product pile. This was stated to be the correct procedure.

Site tour

The main yard area was visited, including the waste reception / rejection area, the wind rows and the final product stockpiles. The screening and shredding machines were seen. As noted above, some small pieces of contaminant were seen in the final product, but this was considered significantly different to what was reported to have been spread. Other stockpiles on site include material containing various contaminants. One large pile had the appearance of a typical mixed waste pile. This comprised the "oversize" contaminants which are the first to be removed by the screening process. Other piles contained less waste material but were considered to be similar to what was reported to have been spread i.e. they contained larger pieces of plastic and other items, but were different to the final product seen on site. FH indicated that they were unable to dispose of material due to recycling targets.

Conclusion

This report is a record of the site visit on the 17th April and forms part of our ongoing investigation into the land spreading incident. At this point, we have not identified specific non-compliances, however this does not preclude us from scoring non-compliances where found. NRW will request further information to help with our investigation in due course.

END

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035053**

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

Site	Lamby Way Open Windrow Composting Facility	Permit Ref	AB3096CP
Operator/Permit holder	Welsh Water Organic Energy (Cardiff) Limited	Date	17/04/2019

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.