

Compliance Assessment Report CAR_NRW0041991

Permit being assessed: CP3735PB.

For: Nantycaws Landfill EPR/CP3735PB, **held by:** CWM Environmental Ltd

At: Nantycaws Landfill Site Llanddarog Road , Nantycaws, Carmarthen, Carmarthenshire, SA32 8BG.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 19/06/2023.

Parts of permit assessed: Please see details.

NRW Lead Officer: Michael Launder.

Report sent to: Darren Sanders, Composting Site Manager, on 11/07/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.2 Emissions to groundwater
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.2 Emissions to water, air or land

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

Total non-compliances recorded	Total non-compliance score
2	8

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
IR3A	Operator to continue review of mecoprop trends across site monitoring network and submit to NRW.	Already completed
IR3A	Operator to provide review of ammoniacal nitrogen trends across site monitoring network and submit to NRW.	31/08/2023

Compliance 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

The purpose of this Compliance Assessment Report (CAR) is an assessment of the Q1 2023 monitoring results and compliance notifications.

The quarterly monitoring data data specified in condition 3.6.1 Reporting was received from the operator.

Schedule 6 Notifications - Groundwater - Q1 January to March 2023

- A Schedule 6 notification submitted to NRW on 14 February 2023 gives the measured mecoprop result at monitoring point UD1 on 11 January 2023 as 0.0731 µg/l. This is an exceedance of the permitted emission limit of 0.000055 µg/l and represents a non-compliance with the environmental permit.
- A Schedule 6 notification submitted to NRW on 14 February 2023 gives the measured mecoprop result at monitoring point UD4 on 11 January 2023 as 0.0688 µg/l. This is an exceedance of the permitted emission limit of 0.000055 µg/l and represents a non-compliance with the environmental permit.
- A Schedule 6 notification submitted to NRW on 14 February 2023 gives the measured mecoprop result at monitoring point NACW203 on 12 January 2023 as 0.114 µg/l. This is an exceedance of the permitted emission limit of 0.000055 µg/l and represents a non-compliance with the environmental permit.
- A Schedule 6 notification submitted to NRW on 14 February 2023 gives the measured mecoprop result at monitoring point BH3/5 on 13 February 2023 as 0.0638 µg/l.

Compliance: The above results are in exceedance of the emission limits set in the permit for UD1, UD4 and NACW203. A non-compliance score of C3 against sub criteria E2 has been allocated to these breaches over the Q1 January to March reporting period.

In accordance with NRW's non-compliance scoring guidance, the non-compliance scores for the groundwater breaches during Quarter 1 2022 reporting period have been consolidated into one non-compliance score.

BH3/5 does not have an emission limit for mecoprop and a Schedule 6 notification was not required for this result, however the detection of mecoprop in this upgradient well does provide useful context for consideration in the ongoing monitoring exercise to determine the source of downgradient exceedances.

Since the issue of the most recent permit variation (CP3735PB/V004) in 2009, the list of hazardous substances has been updated, and mecoprop removed from the list. The operator may wish to initiate a variation of the permit to revise the monitoring tables to reflect this change.

Schedule 6 Notifications - Surface Waters

A Schedule 6 notification submitted to NRW on 14 February 2023 gives the measured Ammoniacal Nitrogen results at monitoring point SW205 on 11 January 2023 as 4.06 mg/l. This is an exceedance of the permitted emission limit of 1 mg/l and represents a non-compliance with the environmental permit.

Compliance: The above result is in exceedance of the emission limits set in the permit for SW205. A non-compliance score of C3 against sub criteria E2 has been allocated to this breach over the Q1 January to March reporting period.

Action: Operator to provide review of ammoniacal nitrogen trends across site monitoring network and submit to NRW.

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.

If your assessment result in Section 1 is suspended, what does this mean?

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 compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.