

Compliance Assessment Report CAR_NRW0042396

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: Site Inspection,

Reason: Other.

On: 15/08/2023 between 10:00 and 11:30.

Parts of permit assessed: Odour Management .

NRW Lead Officer: Geraint Harris, accompanied by Lewis Evans.

Report sent to: Adrian Thomas, Contracts Manager, on 04/09/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3C - Emissions and monitoring - Odour	Assessed (A)	

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

Total 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

WWOE

NRW attended the area surrounding the composting facility on the 26th of June 2023 following several odour complaints in the area. No odour was detected in the reported locations. However, a strong composting odour was noticeable to the west of the site near the sea wall approximately 200 metres from the site boundary. The site was undertaking screening activities at the time with the dust generated from this activity seen blowing in an easterly direction to the area where the odour was noticed. Although windy, the dust appeared to be staying within the boundary of the site. As is evident from almost all the composting guidance's available, the process of composting organic material is never odour-free, even under optimum conditions for aerobic decomposition of organic matter. However, failure to maintain conditions for the optimum microbial environment is guaranteed to make odours worse, particularly those odorants that people find annoying or unpleasant. This is the reason why the odour condition in composting permits is worded the way it is, since not all odours can be prevented from travelling beyond the site boundary. However, what it does require is for the operator to have to take appropriate measures to prevent or minimise odour. The measures required need to be reasonable, good practice and balance the costs and benefits to prevent or minimise odour. We expect any standards of industry good practice to be met along with any recommendations in our guidance. If there is an odour problem at a site, and they have already implemented some measures, there may be a case to justify further measures or restriction of the activity, depending on the severity of the problem and the cost. Even if you are following normal standards and guidance but the impact is unreasonable, then you will have to put in place further measures, and we will determine what is reasonable and to what extent further measures are possible, required or justified.

A meeting between WWOE, Freeland's and representatives from Neal's Soils who reside in a property 300 metres north of the site, was undertaken on the 15th of August 2023. All parties were told of the impact odour and dust was having on this property and its inhabitants. During this meeting Neal's representatives provided all parties with a copy of the results of a series of odour surveys undertaken by a third party hired by Neal's Soils. WSP were contracted to undertake 4 odour sniff tests (an initial on-site walkover and four subsequent visits). The report concluded that "Distinct odour was detected in and around the composting site during 3 of the 4 odour surveys and strong odour detected on one occasion. All times when odour was detected, it was identified to be associated with nearby composting activities. The offensiveness of the odour was considered variable, unpleasant when intense, and considered intrusive when detected". During the meeting on the 15th of August both parties agreed to an open dialog so that any odours impacting the nearest Neal's residential property are reported to both NRW and the compost site simultaneously. WWOE also agreed to look at ways they can reduce the impact on the adjacent properties.

The odour condition within the permit states as perceived by an authorised officer of Natural Resources Wales. To date NRW haven't been able to substantiate any odours at the nearest Neal's residential property. However, if in the future an odour is substantiated NRW will investigate what appropriate measures are in place and request that further measures are adopted. These appropriate measures will be determined from the environmental permit as well as from the relevant guidance documents and the waste treatment BREF. Such measures include but are not limited to the following:

- Turning frequency (as stipulated in the permit)
- Waste storage volumes and storage time
- Windrow temperatures
- Windrow particle size, porosity and density
- Carbon nitrogen ratio

- Moisture levels
- Oxygen Levels
- Windrow sizes

With regards to windrow size and oxygen levels, WWOE and Freeland's are currently undertaking trials utilising smaller windrows and longer probes to investigate the levels of oxygen throughout the entire cross section of the windrows. NRW visited the site on the 14th of July to observe windrow monitoring being undertaken as part of this trial. On the 15th of August NRW were told that this work is almost complete and the results will be shared shortly.

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.

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.