

## Compliance Assessment Report CAR\_NRW0042624

**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:** Incident Response (Incident number 2307073).

**On:** 08/09/2023 between 15:47 and 16:20.

**Parts of permit assessed:** Odour Management .

**NRW Lead Officer:** Geraint Harris, accompanied by John Jowett.

**Report sent to:** Adrian Thomas, Contracts Manager, on 13/10/2023.

### 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	C3 Minor	Permit condition 3.3.1

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

Total non-compliances recorded	Total non-compliance score
1	4

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
IR3C	Action 1: Why wasn't the OMP followed on Friday even though the winds from the onsite weather station were observed and reported as zero?	01/11/2023

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.

**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-AP3096CP

On the 8<sup>th</sup> of September 2023, I (Lead Specialist Geraint Harris) investigated the cause of numerous odour complaints within the Pengam, Rumney Area, Pwll Mawr and Trowbridge areas. The first observation by a member of the public was made at 10:34 on the 8<sup>th</sup> of September followed by 18 more complaints throughout the day. My investigation started adjacent to Celsa Steel works on Sea Wall Road at around 12:33 and culminated with me following an odour onto the Welsh Water Organic Energy composting site at 15:47.

My investigation involved me visiting the following areas: 12:33 northern roundabout Rover Way to Seawall Road, 12:48 Tesco car park Rover Way), 13:04 Tredelerch car park, 13:10 Eastgate Industrial Estate, 13:21 entrance to Lamby Way, 13:27 footpath off Wentlooge Avenue adjacent to MRF heading south in the direction of the seawall, 13:35 Waterside Business Park, 13:52 New Road (opposite Rumney Balti), 14:03 Pwll Mawr road, 14:06 Heron Road (walked to Harris Avenue), 14:28 Parkway Road (near Aldi warehouse), 14:51 top of Newtown Road, 14:55 Neals Soils, 15:02 Mardy Road, 15:07 GMH vehicle repairs, 15:10 Mardy Farm gate entrance, 15:19 footpath adjacent to the closed landfill and ree, approximately 200metres north of where Country Motors was located, 15:29 wooden footbridge on southerly point of the footpath just before it bends to the north east, 15:31 seawall, 15:35 seawall opposite the compost site, 15:47 let onto the compost site by the onsite manager.

During this investigation I was able to substantiate two different types of odours in two separate areas. The first being a mild 'rubbish bin' like odour on Wentlooge Avenue adjacent to the Materials Recovery Facility (MRF) and then the same odour downwind on Waterside Business Park off of Lamby Way. The second being an odour that smelled of a mixture of compost, silage and manure which was noticed along Wentlooge Avenue and Parkway Road adjacent to the Aldi Warehouse.

The mild 'rubbish bin' like odour was noticeable on both Wentlooge Avenue and on Waterside Business Park, however, further downwind on New Road this odour was no longer detectible. During this time, I continued to receive notifications from members of the public, via NRW's ICC, regarding odours in the area. I then continued my investigation heading in an easterly direction. A mild intermittent silage like odour was detected while parked on Heron Road but not on any of the adjacent streets. A strong odour that smelled of a mixture of mixture of compost, silage and manure was detected whilst driving along Wentlooge Avenue on the section of the road adjacent to the Capital Business Park and the Aldi Warehouse. I parked near the security hut on Parkway Road and walked approximately 200metres along Wentlooge Avenue in the direction of Mardy Road. This whole area consisted of a strong odour that smelled like a mixture of compost, silage and manure. This odour was strong but not unbearable. At the time of detecting this odour there was almost no wind, however the wind turbine was observed to be turning and facing in the direction of the compost site. As with all the observations throughout the day there were very calm conditions with only the very tops of the tallest trees being blown by a wind from a southerly direction. As I walked back to my car the odour appeared stronger and unpleasant and was like a sour/rotten silage like odour similar to that of used/soiled hamster cage bedding. I then drove further east along Wentlooge Avenue and down Newtown Road onto the Neals/Atlantic estate. The odour detected near the Aldi warehouse was not detectable at this location. I then drove back along Wentlooge Avenue and down Mardy Road and parked in front of some red and green sheds near where country motors used to operate. I then walked back up to the entrance to GMH Vehicle Repairs and couldn't

detect any odours. I then walked south and east along mardy road, towards the farm, and noticed the same odour as previously noticed by Aldi. I then walked back along Mardy Road passed my car and onto the footpath that runs alongside the reën which runs from Wentlooge Avenue to the Seawall. As I headed north no odour was detected, however as I turned back and headed south, when I reached a point approximately 200 metres north of the seawall at a point where the seawall becomes visible after a bend, I noticed the same odour that was noticed near Aldi. There was almost no wind, however, the very tops of the trees were observed to be being blown from a southerly direction that looked to be in the direction of the compost site. The odour dissipated by the time I reached the wooden footbridge on southerly point of the footpath just before it bends to the northeast. I then walked along the footpath and onto the seawall. There was almost no wind and the sea was very calm. Upon observing the compost site, the only activities being undertaken was the washing down of heavy machinery. I then entered the site from the southern gate and spoke with the site manager and supervisor. They informed me that the site operators had turned a windrow between 08:00 and 09:30 that morning and started screening 40mm compost between 10:00 and just before 12:00. The site manager explained the compost had been sat there since august. After 12:00 only cleaning and waste acceptance activities had taken place for the remainder of the day. Upon reviewing the site's odour management reporting form for the 8<sup>th</sup> of September 2023, the site reported zero windspeed at 09:40, 12:30 and 13:55.

I am satisfied that I have substantiated a strong odour from WWOE's compost site approximately 900metres outside the permitted boundary, based on the following three points:

- Recognisable compost like odour noticed downwind of the site and traced back to the compost site,
- Wind direction,
- No odour detected down wind of other potential sources, except the rubbish bin like odour further west.

Permit Condition 3.3.1 requires the operator to use appropriate measures including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour. WWOE's OMP section 7.3 Abnormal Meteorological Conditions states the following:

*"7.3 Abnormal Meteorological Conditions: Extreme meteorological conditions that promote the generation of odour and inhibit its effective dispersion, specifically high temperatures and stable conditions, may result in increased risk of impact at receptor locations. Contingency measures to minimise the risk of unacceptable odour exposure at receptor locations during these conditions, will include but not be limited to consideration of:*

- *Suspend certain site procedures that could cause an odorous release – these would include turning and screening of windrows.*
- *The quarantine and removal off-site of odorous wastes."*

By undertaking odorous activities such as turning and screening during periods of very stable conditions (zero windspeed), WWOE have failed to apply appropriate measures and follow their OMP.

On Saturday the 9<sup>th</sup> of September around midday a series of odour complaints for areas in and around Rumney were received. Experienced Officer John Jowett attended the area as the on-duty incident response site controller. John reported a compost odour on Greenway Road at 13:57 and found a very heavy compost smell all along the road. He then visited Mardy Road's most southern point and found no smell but at the top end of the road there was a smell of compost which was coming on the wind from the southwest direction which the composting site was situated in. He then visited Lamby way Civic Amenity site and found no smell here or in the Tesco's carpark on Rover Way to the east of the composting site. He then drove down Mardy Road again and walked around the composting site and found the smell to only be coming from the northern most side of the site on the wind. John then drove down and entered the site and spoke with a Freeland's site

operator who explained that they hadn't been undertaking any screening or turning activities throughout the day and had only received incoming green waste and undertaken maintenance work on their machinery.

On Saturday the weather conditions were similar to the Friday, with warm and very still conditions experienced. On this occasion it appears that the OMP was followed since no known odour generating activities (turning and screening) were undertaken. However, it is concerning that substantial odours were still being detected off the site boundary. During this period the site was accepting less green waste than normal due to a strike by council workers. There were also several windrows and oversize piles in formation at the site. The odour that was witnessed on both the 8<sup>th</sup> and 9<sup>th</sup> of September, was not akin to that of well managed composting but instead was that of an unpleasant odour which smelled of a mixture of compost, silage and manure combined. For this odour to be observed on both days suggests that appropriate measures are not being applied to the composting process. Permit condition 3.3.1 requires you to take appropriate measures to prevent or minimise odour. The measures required need to be what are reasonable, good practice and balances 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 your site, and you 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 put in place further measures and we will judge with you what is reasonable and to what extent further measures are possible, required or justified. Consequently, NRW have issued a Regulation 61 Notice to WWOE requesting information related to the process control of their open windrows. NRW will use this information as part of their investigation into whether appropriate measures, including but limited to that of temperature control and oxygen control, are being applied at the site and if further measures will be required of the operator going forward. As it stands NRW consider the substantiation of odour beyond the boundary on Friday the 8<sup>TH</sup> of September **as a category 3 (CCS3) breach of permit condition 3.3.1.** for failure to follow their OMP. With regards to the root cause of the odours on Friday, WWOE need to explain why the OMP wasn't be followed during the period of very stable conditions (reported zero winds). For Saturday NRW will need to review the information submitted in the response to the Regulation 61 Notice before making any compliance-based decisions.

**Action 1:** Why wasn't the OMP followed on Friday even though the winds from the onsite weather station were observed and reported as zero? **Due 1<sup>st</sup> November 2023.**

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](mailto: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](mailto: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.