

## Compliance Assessment Report CAR\_NRW0043066

**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:** 20/12/2023.

**Parts of permit assessed:** See Section 4.

**NRW Lead Officer:** Benjamin Taylor.

**Report sent to:** Darren Sanders, Composting and Landfill Site Manager, on 20/12/2023.

### 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	3.2.3 - Emissions to groundwater
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.2.3 - Emissions to groundwater
IR3E - Emissions and monitoring - Monitoring	Assessed (A)	
IR4B - Information - Reporting	Assessed (A)	
IR4C - Information - Notification	Assessed (A)	

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	Undertake a review of dissolved cadmium trends across site monitoring network and submit to NRW.	28/03/2024

Criteria	Action needed	Complete by
IR3A	Investigate potential sources of ammoniacal nitrogen within the vicinity of NACW229 and submit findings to NRW.	28/03/2024

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

This Compliance Assessment Report (CAR) is an assessment of the monitoring results and compliance notifications for Quarter 3 (Q3) July to September 2023 by CWM Environmental Ltd (the Operator).

#### Q3 2023 Monitoring Returns

Monitoring data was submitted by the Operator on the 28<sup>th</sup> of September 2023, which detailed measurements taken in relation to the following permit requirements:

- **Table S4.1** – *Leachate Level Limits and Monitoring*
- **Table S4.3** – *Point Source Emissions to Water (Other than Sewer)*
- **Table S4.5** – *Trigger Levels for Emissions into Groundwater*
- **Table S4.6** – *Landfill Gas in External Monitoring Boreholes*

This data was sent within the reporting period (28 days), which is **compliant** with permit condition 4.2.3.

#### **Leachate Level Limits and Monitoring**

The Operator submitted a singular Schedule 6 Notification regarding Mecoprop (MCP).

Date	Location	Parameter	Measured Value	Control Level
12.07.2023	Cell 1/2 Sump	Mecoprop (MCP)	106µg/l	71µg/l

*Table 1: List of exceedances of permitted values within Table S4.1*

**Compliance:**

Cell 1/2 Sump does not have an emission limit for Mecoprop, however the detection of MCCP does provide a useful tracking tool to enable site to determine the source of exceedances (of MCCP) across the site.

In the permit **Table S4.9** of **Schedule 4** states:

*'In the event that the 'trigger levels' detailed in Table HRA9 of the hydrogeological risk assessment (SLR Ref: 407- 0610-00011/HRA) dated May 2006 and section 3.1 of Appendix SS3 (SLR Ref: 407.0610.00011 dated June 2008) to the variation application received on 24/07/2008 are exceeded, the Agency shall be notified in writing within seven days of the result being received by the operator.'*

The Operator notified NRW within the required timeframe, and as a result is **compliant** with this permit condition 4.3.1b.

**Point Source Emissions to Water (Other than Sewer)**

There were no reported exceedances of permitted levels noted during the Q3 reporting period.

**Emissions into Groundwater**

The Operator submitted two Schedule 6 Notifications regarding exceedances of permitted levels detailed within Table S4.5.

Date	Location	Parameter	Measured Value	Emission Limit Value (ELV)
11.07.2023	NACW228	Cadmium (Filtered)	0.108µg/l	0.1µg/l
11.07.2023	NACW229	Ammoniacal Nitrogen as N	5.92mg/l	5.0mg/l

*Table 2a: List of exceedances of permitted values within Table S4.5*

**Compliance:**

The above cadmium result is in exceedance of the emission limits set in the permit for NACW228. A non-compliance score of C3 against criteria IR3A has been allocated to this breach of permit condition 3.2.3.

**Action:**

Undertake a review of dissolved cadmium trends across site monitoring network and submit to

NRW.

### Compliance:

The above ammoniacal nitrogen result is in exceedance of the emission limit set in the permit for NACW229. A non-compliance score of C3 against criteria IR3A has been allocated to this breach of permit condition 3.2.3.

### Action:

Investigate potential sources of ammoniacal nitrogen within the vicinity of NACW229 and submit findings to NRW.

The Operator submitted an additional two Schedule 6 Notifications regarding Cadmium (Filtered).

Date	Location	Parameter	Measured Value	Control Level
11.07.2023	BH3-5	Cadmium (Filtered)	0.103µg/l	0.1µg/l
11.07.2023	BH3-8	Cadmium (Filtered)	0.17µg/l	0.1µg/l

Table 2b: List of Schedule 6 Notifications regarding Table S4.5

### Compliance:

BH3-5 and BH3-8 do not have an emission limit for Cadmium (Filtered). The detection of Cadmium provides useful context for consideration in the ongoing monitoring exercise to determine the source in the event of downgradient exceedances.

In the permit **Table S4.9** of **Schedule 4** states:

*'In the event that the 'trigger levels' detailed in Table HRA9 of the hydrogeological risk assessment (SLR Ref: 407- 0610-00011/HRA) dated May 2006 and section 3.1 of Appendix SS3 (SLR Ref: 407.0610.00011 dated June 2008) to the variation application received on 24/07/2008 are exceeded, the Agency shall be notified in writing within seven days of the result being received by the operator.'*

The Operator notified NRW within the required timeframe, and as a result is **compliant** with this permit specification 4.3.1b.

### Landfill Gas in External Monitoring Boreholes

There were no reported exceedances of permitted levels noted during the Q3 reporting period.

### Compliance Comments

- Two breaches of ELVs within the groundwater were noted during the Q3 monitoring returns.

### Action

- Undertake a review of Dissolved Cadmium trends across site monitoring network and submit to NRW.
- Investigate potential sources of Ammoniacal Nitrogen within the vicinity of NACW229 and submit findings 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](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.