

Compliance Assessment Report CAR_NRW0043663

Permit number	AB3695CH	Operator name	Drumcastle Limited
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Site name	Nine Mile Point Waste Transfer Facility
Site address	Nine Mile Point Industrial Estate, Cwmfelinfach, Caerphilly, NP11 7HZ
Assessment type	Report/Data Review

Date of assessment	28 February 2024	Time in	N/A	Time out	N/A
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Parts of permit assessed	Monitoring and reporting requirements
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NRW Lead officer	Guy Baskerville	Accompanied by	N/A
Report sent to – Name and position	Daniel Kingsley General Manager	Date	29 February 2024

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

Part of permitted activity assessed (use action criteria below)	Assessment result	Permit condition
IR4B - Information - Reporting	Assessed or assessed in part (A)	4.2.2 4.2.3

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

Total number of non-compliances recorded	Total non-compliance score
0	0

2. What action is required?

Criteria	Action needed	Complete by
N/A	N/A	N/A

Action 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 prosecutions and/or suspension or revocation of your permit.

4. Details of our assessment

The purpose of this Compliance Assessment Report (CAR) is to record Natural Resources Wales' (hereafter *NRW*) assessment against Drumcastle Limited's (hereafter '*the operator*') **quarterly** [Q1 2023, Q2 2023, Q3 2023, Q4 2023], **6-monthly** [January 2023 – June 2023, July 2023 – December 2023] and **annual** [2023] monitoring and reporting requirements. NRW's assessment of the operator's monitoring returns data is outside the scope of this CAR and any non-compliance arising from an exceedance of a permitted emission limit will be recorded in a separate CAR.

N.B. Table S4.1 of the environmental permit prescribes quarterly reporting periods for reporting monitoring of emissions to air. However, table S3.1 prescribes monitoring frequencies at either 6 months or at intervals dependent on the age of the activated carbon media in the odour abatement plant. This error creates a conflict whereby the operator cannot fully comply with condition 4.2.3.

A further anomaly in the environmental permit is the prescribed requirement to report monitoring of emissions to water at quarterly intervals, despite no emission limit values for emissions to water being prescribed. The environmental permit only prescribes monthly visual checks of the emission for evidence of oil and grease. Given the source of the emission is site drainage from building roofs and areas not associated with waste storage and treatment, annual reporting should have been prescribed.

Finally, revised reporting forms were not issued to the operator upon the most recent permit variation. The original reporting forms include incorrect operator details and do not reflect the monitoring and reporting requirements. Again, this error means that the operator cannot fully comply with the environmental permit.

Condition 4.2.3 of the environmental permit states:

Within 28 days of the end of the reporting period the operator shall, unless otherwise agreed in writing by Natural Resources Wales, submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows:

- (a) in respect of the parameters and emission points specified in schedule 4 table S4.1;*
- (b) for the reporting periods specified in schedule 4 table S4.1 and using the forms specified in schedule 4 table S4.4; and*
- (c) giving the information from such results and assessments as may be required by the forms specified in those tables.*

Table S4.1 of Schedule 4(a) to the environmental permit is partially reproduced below.

Table S4.1 Reporting of monitoring data			
Parameter	Emission or monitoring point/reference	Reporting period	Period begins
Emissions to air Parameters as required by condition 3.5.1	A1	Every 3 months	1 January
Emissions to water Parameters as required by condition 3.5.1	SW1	Every 3 months	1 January
Emissions to sewer Parameters as required by condition 3.5.1	S1	To be agreed with NRW ¹	To be agreed with NRW ¹

¹ Following submission and approval of reports to satisfy pre-operational conditions PO2 and PO11, and as detailed in compliance assessment report ref: CAR_NRW0040481, Table S3.3: *Point source emissions to sewer, effluent treatment plant or other transfers off-site– emission limits and monitoring requirements*, will not be enforced at this time. As no monitoring of the emission to sewer is required, no reporting is necessary.

Table S4.4 of Schedule 4(a) to the environmental permit is partially reproduced below.

Table S4.4 Reporting forms		
Parameter	Reporting format	Date of form
Air	Form air 1 or other form as agreed in writing by Natural Resources Wales	23/03/21
Water	Form water 1 or other form as agreed in writing by Natural Resources Wales	23/03/21
Sewer	Form sewer 1 or other form as agreed in writing by Natural Resources Wales	23/03/21

Monitoring report(s) were submitted via email on 15 June 2023 and 02 February 2024.

The monitoring report(s) were not made inside the reporting window(s) which represents non-compliance with the environmental permit.

The monitoring report(s) submitted do not include all reporting of monitoring carried out in respect of the parameters and emission points specified in schedule 4(a) table S4.1 which represents non-compliance with the environmental permit.

The monitoring report(s) submitted are not for the reporting periods specified in schedule 4(a) table S4.1 which represents non-compliance with the environmental permit.

The monitoring report(s) have not been submitted using the forms specified in schedule 4(a) table 4.4 which represents non-compliance with the environmental permit.

The monitoring report(s) submitted do not include results and assessments as required by the forms specified in schedule 4(a) table 4.4 which represents non-compliance with the environmental permit.

The non-compliances detailed above would typically attract non-compliance scores, however, with consideration of the permit errors described at the beginning of this report and given no emission limit exceedances were reported in the data that was able to be presented, no scores will be levied.

A permit variation will be required to address these errors and support the operator in maintaining compliance with its monitoring and reporting requirements. In the interim, amended monitoring and reporting tables are presented below. The operator shall undertake the monitoring and reporting

Table S4.1 Reporting of monitoring data			
Parameter	Emission or monitoring point/reference	Reporting period	Period begins
Emissions to air Parameters as required by condition 3.5.1	A1	Every 6 months	1 January
Emissions to water Parameters as required by condition 3.5.1	SW1	Every 3 months	1 January

The reporting period for emissions to air have been amended to 6-monthly to mirror the 6-monthly monitoring requirement. The reporting period for emissions to water remains 3-monthly.

Dust and Total Volatile Organic Compound (TVOC) shall be monitored once during each 6-month monitoring period [January – June, July – December] and the data presented in the relevant reporting form within 28 days of the end of the reporting period (i.e. by 28 July and 28 January). Odour concentration shall be monitored in the 7th, 9th and 11th months after each replacement of the activated carbon media and the data presented in the relevant reporting form within 28 days of the end of the 6-monthly reporting period in which the monitoring was undertaken. We understand that the last replacement of the activated carbon media took place in October 2023. Therefore, the first round of odour concentration monitoring shall be undertaken in May 2024 and the monitoring data reported by 28 July 2024. The second and third round of odour concentration monitoring shall be undertaken in July 2024 and September 2024 the monitoring data reported by 28 January 2025.

Monthly water emission monitoring shall continue and the data presented in the relevant reporting form within 28 days of the end of each 3-monthly reporting period (i.e monitoring undertaken in January, February and March to be reported by 28 April each year etc).

Table S4.4 Reporting forms		
Parameter	Reporting format	Date of form
Air	Form air 1 or other form as agreed in writing by Natural Resources Wales	28/02/2024
Water	Form water 1 or other form as agreed in writing by Natural Resources Wales	28/02/2024

Revised reporting forms will be issued to the operator prior to the end of the next reporting period.

Condition 4.2.2 of the environmental permit states:

A report or reports on the performance of the activities over the previous year shall be submitted to Natural Resources Wales by 31 January (or other date agreed in writing by Natural Resources Wales) each year. The report(s) shall include as a minimum:

- (a) a review of the results of the monitoring and assessment carried out in accordance with the permit including an interpretive review of that data;*
- (b) the annual production/treatment data set out in schedule 4 table S4.2; and*
- (c) the performance parameters set out in schedule 4 table S4.3 using the forms specified in table S4.4 of that schedule.*

Table S4.2 of Schedule 4 to the environmental permit is partially reproduced below.

Table S4.2 Annual production/treatment	
Parameter	Units
Solid Recovered Fuel Produced	Tonnes
Refuse Derived Fuel Produced	Tonnes
Total amount of waste treated	Tonnes

Table S4.3 of Schedule 4 to the environmental permit is partially reproduced below.

Table S4.3 Performance parameters		
Parameter	Frequency of Assessment	Units
Water usage	Annually	Tonnes
Energy usage	Annually	MWh
Total raw material used	Annually	Tonnes
Generation of residues	Annually	Tonnes
Generation of waste water	Annually	m ³

Table S4.4 of Schedule 4 to the environmental permit is partially reproduced below.

Table S4.4 Reporting forms		
Media/parameter	Reporting format	Date of form
Water usage	Form water usage 1 or other form as agreed in writing by Natural Resources Wales	23/03/21
Energy usage	Form energy 1 or other form as agreed in writing by Natural Resources Wales	23/03/21
Other performance indicators	Form performance 1 or other form as agreed in writing by Natural Resources Wales	23/03/21

Performance report(s) were submitted via email on 02 February 2024.

The performance report(s) submission was not made inside the reporting window which represents non-compliance with the environmental permit. However, a short extension was requested prior to the closure of the reporting window, therefore no non-compliance score will be levied.

The performance report(s) submitted includes a partial a review of the results of the monitoring and assessment carried out in accordance with the permit including an interpretive review of that data which represents compliance with the environmental permit.

The performance report(s) submitted include the annual production/treatment data set out in schedule 4 table S4.2 which represents compliance with the environmental permit.

The performance report(s) submitted include the performance parameters set out in schedule 4 table S4.3 which represents compliance with the environmental permit.

The performance report(s) have been submitted using the forms specified in schedule 4 table 4.4 which represents compliance with the environmental permit.

[END]

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 in the aspects assessed.
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

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 – 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.