

## Compliance Assessment Report CAR\_NRW0045499

**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:** 01/10/2024.

**Parts of permit assessed:** Permit Condition 2.3.1 - Operating Techniques.

**NRW Lead Officer:** Benjamin Taylor.

**Report sent to:** Compost Facility/Landfill Manager , CWM Environmental Ltd, on 24/10/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2C - Installations - Operations - Operating techniques	Action only (X)	
IR2C - Installations - Operations - Operating techniques	C3 Minor	Permit condition 2.3.1.

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
IR2C	Operator is to restore gas utilisation at the Installation	Already completed
IR2C	Operator is to ensure the flare is maintained to ensure it is fully functional in the event of future GUP outages.	25/10/2024

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

#### Introduction

This Compliance Assessment Report (CAR) is pertinent to the flare associated with the Nantycaws Phase 2 Landfill Complex, which is operated by CWM Environmental Ltd (the Operator) under permit number CP3735PB.

#### Failure to Treat (Flare) Landfill Gas – September 2024

On the 11<sup>th</sup> and 18<sup>th</sup> of September 2024, the Nantycaws Gas Compound Operator (INFINIS Energy) submitted the following Schedule 6 Notifications:

- Schedule 6 Nant Y Caws Part A 090924.
- Schedule 6 Nant Y Caws Part A 180924.

These Notifications were regarding the release of an unknown quantity of Landfill Gas following an outage of the Gas Utilisation Plant (GUP) over the timescales detailed below:

- 09/09/2024 09:32 – 10/09/2024 12:48.
- 16/09/2024 14:33 – 18/09/2024 09:10.

On both occasions, it was reported that an engineer attended Site to restart the plant. The GUP outage has been attributed by INFINIS Energy to be the result of a fault with the flare control relay, which meant the flare did not activate following an electrical issue with the Jenbacher 208 engine onsite.

Discussions with INFINIS Energy during a site visit on the 17<sup>th</sup> of October 2024 revealed that the flare control relay associated with the flare is an uncommon component to fail.

While the Gas Compound is operated by INIFNIS Energy, under its own dedicated permit (LP3038SU). Schedule 1: Table S1.1 of your permit (CP3735PB) lists Flaring of Landfill Gas as one of the installation activities. In addition, Schedule 2 of the most recent Variation Notice (referenced V004) illustrates that the flare associated with the gas compound falls within the permitted boundary

of CP3735PB (drawing reference ESID 2, 2009). This reaffirms that ultimately the responsibility to ensure that the emergency flare is operational (in the event of GUP outages) falls within the remit of permit CP3735PB.

**Compliance:**

Failure to flare LFG on the 9<sup>th</sup> and 16<sup>th</sup> of September 2024 is contrary to your permit's Operating Techniques (permit condition 2.3.1), as a result a minor non-compliance score of C3 has been attributed to IR2C – Operating Techniques for breach of permit.

**Action:**

1. **Operator is to restore gas utilisation at the Installation (already completed)**
2. **Operator is to ensure the flare is maintained to ensure it is fully functional in the event of future GUP outages.**

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.