

Compliance Assessment Report CAR_NRW0036996

Permit being assessed: JP3239ST.

For: Lamby Way Landfill Site EPR/JP3239ST, held by The County Council of the City and County of Cardiff

At: Lamby Way Landfill Site Lamby Way, Cardiff, Cardiff, CF3 8EQ.

Type of assessment carried out: Report/Data Review, Reason: Other.

On 02/10/2020.

Parts of permit assessed: Flaring and GUP

NRW Lead Officer: Andi Kemp.

Report sent to: Gareth Ffoulkes, Landfill and Aftercare Manager on 02/10/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	

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

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

Compliance Assessment Report (CAR1): Lamby Way Landfill – EPR/JP3239ST; 2nd Oct. 2020

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Purpose Of Compliance Assessment

This CAR1 covers the current and future situation with regard to the landfill gas unit and flaring. A separate CAR1 is due and will be issued imminently covering wider aspects of the landfill operations and permit compliance, to include routine monitoring submissions, flux survey, leachate treatment plant, HRA etc.

The current situation with regard to the Gas Utilisation Plant (GUP) is summarised below:

- CCCC intend to seek a new, more favourable contract for the Council, with a new operator as soon as practicably possible.
- Proposals offered by Inifinis (the current permitted operator) are not congruent with the Councils objectives.
- Inifinis intend to remove their engines and software (flares have to stay by contractual arrangement) and surrender their permit (FP3238SL) – Inifinis will receive a separate CAR1 form covering this.
- Any new operator will have to apply for a permit under EPR to operate the GUP and during such a process NRW may deem it appropriate for Improvement Programme items (see Inifinis permit) to be carried out, e.g. air emissions dispersion screening / modelling.
- The landfill permit already includes flaring as a Directly Associated Activity in the permit, so all the permit requirements that are applicable generally, apply to the flaring and allow Cardiff to flare.

These are the main things that need to be considered now and going forward, until such time as a new operator is installed and gas utilisation resumes:

- There are inevitable delays associated with contracts, Western Power and Ofgem licences, notwithstanding this, NRW (in accordance with the Landfill Directive, LFTGN03 and associated iCoPs) expects a timely return to gas utilisation as opposed to flaring. Flaring on an extended basis must be avoided.
- Cardiff should provide the regulator an indicative timeline / project plan covering:
 - How the authority will resource the technical aspects of gas management: field balancing, extraction pressure, monitoring, well maintenance, condensate, pipelines and manifolds, connection to flare.
 - Flow to flare and flare operation: gas flow rate, turn down ration, burner function, temperature and residence time.
 - Emission monitoring.
 - Flare maintenance.
 - Preventing odour, smoke, managing any complaints, ensuring no gas build up in landfill.
 - Records of hours flaring, volumes of gas flared, SCADA and reporting to NRW.
- The new operator will require an EPR permit – or the current permit could be transferred, but this requires co-operation, agreement and engagement between Inifinis and incoming party.
- Will Cardiff want to hold this permit and sub-contract out operations?
- Regular updates on progress, barriers, issues and incidents should be notified to NRW in the usual way by way of a formal notification in accordance with the permit conditions.

Action 1 Lamby Way Landfill (County Council for the City and Council of Cardiff) 2nd October 2020: The operator to respond to the 5 bullet points immediately above to NRW: Due: 31st October 2020.

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.

What are suspended scores?

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 and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance 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 20 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.