

Compliance Assessment Report CAR_NRW0037879

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 carried out: Site Inspection, Reason: Incident Response (Incident number 2103188).

On 13/04/2021 between 13:50 and 14:30.

Parts of permit assessed: Operating Techniques

NRW Lead Officer: Geraint Harris.

Report sent to: Adrian Thomas, Contract and Relationship Manager on 21/04/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
F1 - Amenity - Odour	C3 Minor	3.4.1

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

Total number of 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
C2	Demonstrate all appropriate measures are being employed at the site to reduce odours conditions to as low as possible.	05/05/2021
F1	Demonstrate that all aspects of the odour management plan are being followed and review the sites operations to ensure all appropriate measures are being incorporated to reduce the chance of malodorous conditions.	05/05/2021

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 prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

Welsh Water organic Energy

EPR-AB3096CP

On Tuesday 13th April between 11:15 and 11:45 NRW received two odour complaints from the Rumney area. The first complaint was reported from Ty Mawr Rd (11:15) and the second from Highlands CF33AP (11:34). Both reported that the odour was the same as 2020 and mentioned that the same odour had been noticeable the previous day.

At 12:18 I noticed this odour outside of Earlswood Social Club. The odour was the same as the previous year and could be described as containing an unpleasant rotten garden waste like odour. My colleague Lewis Evans and I then drove and walked around various parts of Rumney and identified the odour on Mardy Road, Greenways Road, Wentloog Road, Spring Meadow Road and sections of Wentloog Avenue.

We then drove onto the Lamby Way Recycling Centre and down the service road towards the compost site. As we travelled along this road, we began to notice the same odour that was in Rumney. We followed this odour along the road and up onto the capped landfill. At this point I was standing above the compost facility. The odour was strong at this point and the wind was blowing straight off the site onto my position and in the direction of Rumney town. This was the same odour that was detected in Rumney.

The site looked to be forming a windrow on the eastern side of the pad and screening on the western side of the pad. The screening area had a considerable amount of steam emitting from it. The windsock at the time was limply pointing in the direction of Rumney.

After informing the site manager of the detected odour, he and another colleague and myself headed to the top of the landfill. The odour, even though somewhat fainter, was noticeable by all people on the service road and on the landfill.

Following this I was given a tour of the site and an explanation of the activities on the site. When we walked between the large pile of screening material and the site perimeter a pungent odour was noticed. However, in the area near the screening machine no odour could be noticed. Following this, temperatures were taken of several different mounds of material. One of which that caused concern was the reading obtained from a large pile of oversized waste material. This pile is pictured below. The reading obtained from the 1.5 metre temperature probe was 75°C pictured below. Such high temperatures suggest that there is biological activity going on. Furthermore, I was informed that this was the oldest pile of oversized waste on site. If this is going through some form of biological process and has been stagnant in place for some time how are you controlling it and ensuring that there is no anaerobic activity occurring within it?

The large mound of material that was being screened at the time was found to be 50°C approximately 1.5metres deep. The temperature of the adjacent windrow was found to be 65°C however, given the size of the windrow (pictured below) and the size of the probe the very centre was not able to be measured. The

temperature of the smallest windrow on site was also measured and recorded as 78°C.

Permit condition 3.4.1 requires the activities to be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used 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. Since the odour witnessed within Rumney was traced back to your site and given the significant area in which this odour was noticed I am issuing a Category 3 non compliance against permit condition 3.4.1. **It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit. Non-compliance score CCS3.**

There appears to be a clear and consistent pattern of odour complaints that when investigated by NRW are being traced back to this compost facility. Your permit condition regarding odour requires your activities to be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales. Furthermore, you are required to use appropriate measures. As outlined in my email on 15th April 2021, permits are granted and subsequently managed on the basis of applying all appropriate measures. These appropriate measures relate to all measures – site design, operational practices, monitoring etc. When you apply for a permit you are making a commitment to meet the standards specified within the permit and the 'How to comply with your environmental permit' document, using the measures described within or their equivalent. The measures used may be minimal standards specified in generic guidance, industry specific, BAT reference documents etc. Ultimately, where existing appropriate measures still result in an impact to human health or the environment more steps will be required e.g limiting throughput, minimising operations or in more extreme cases the cessation of operations.

Upon visiting your site on Tuesday 13th April there is a clear difference between what is expected within the above-mentioned standards and guidance and what is occurring at your site. The excessively sized windrows coupled with insufficiently sized temperature and oxygen probes are not deemed as appropriate measures. Furthermore, the previously mentioned elevated temperatures of your oldest oversized material demonstrate poor control of existing waste piles. Consequently, a category 3 non-compliance is issued to the operator for allowing a situation to develop that led to the release of odorous emissions within the local community. This is a foreseeable situation and had operations more aligned to those stated within the industry standards been adopted then could have been prevented. This recorded as a failure to comply with permit condition 1.1.1, General Management. **It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit. Non-compliance score CCS3.**

Actions:

Action 1:

Please review your Odour Management Plan and demonstrate how this plan is effective at reducing the chance of odour escaping beyond your boundary. Please provide details of any shortcomings you identify and proposed improvements you plan on making.

Action 2:

Since there is a permit requirement to apply appropriate measures to avoid or reduce pollution, please provide evidence that such measures are being employed at the site. Please include all aspects of the site's activities including post composting activities and storage.

Action 3:

As you are aware from your permit all non-hazardous waste must be stored and treated on an impermeable surface with sealed drainage. Please can you take a look at the picture below and confirm that all of the mound highlighted in blue is located on the impermeable surface coupled with sealed drainage? Please provide a diagram of the site including areas covered by the impermeable surface and the drainage system?

Action 4:

It was mentioned on site that a proportion of oversized material is sent off site to the incinerator. Please provide details on this regards the quantity and frequency.

Action 5:

In relation to these oversize stockpiles, please explain how appropriate measures are being applied to ensure they are stored in a manner and for a time period that does not result in biological activity of this extent occurring.

Please provide a response to all actions by the 5th May 2021.



The picture below shows the size of the current windrows



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.