

Compliance Assessment Report CAR_NRW0039415

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: Routine.

On 31/12/2021.

Parts of permit assessed: Annual returns

NRW Lead Officer: Richard Taylor.

Report sent to: Andrew Williamson, Contract Manager on 17/02/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E2 - Emissions - Land and groundwater	C3 Minor	3.6.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4 No impact	3.6.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4 No impact	3.6.1
E3 - Emissions - Surface water	C3 Minor	3.6.1
E4 - Emissions - Sewer	C3 Minor	3.6.1

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

Total number of non-compliances recorded	Total non-compliance score
5	12.2

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
E2	Return to permit limits	31/03/2022
G1	Return to permit schedule for monitoring	28/02/2022
G1	Return to permit monitoring schedule	28/02/2022
E3	Return to compliance limits for next monitoring round	31/03/2022
E4	return to permit limits by next reporting period	31/03/2022

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.

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

Lamby Way Landfill

Permit JP3239ST

Annual Reports 2021

1.0 Groundwater

- Ammonia - 3 x Ammonia exceedances in Q4 for C12 in Nov and Dec plus C14 for December. This is a noncompliance to permit condition 3.6.1(c). We combine permit limit breaches within the quarter for the same substance to the same receiving medium into a consolidated score. This means that the 3 ammonia limit breaches are given a single Cat 3 noncompliance to permit limits.

Decision – 1 x Cat 3 noncompliance to Groundwater Ammoniacal Nitrogen limits set in pc3.6.1.

4.0 points

- Cadmium - monitoring results were only produced in November (Q4). Permit condition 3.6.1(c) under Schedule 5 reporting requires monthly monitoring for quarterly reports. Permit condition 3.6.1 was not satisfied for the period. A Cat 4 noncompliance is given for each monthly monitoring substance missed. This equates to October and December's groundwater results for Cadmium – resulting in x 2 Cat 4 breaches to permit condition 3.6.1(c).

Decision 2 x Cat 4 noncompliance's to permit condition 3.6.1 for not carrying out monitoring of groundwater Cadmium in October and December within Q4.

0.2 points

2.0 Surface Water

Ammonia breached permit limits for 2021 are tabulated below. Months where exceedances occurred.

Monitoring Point	Q1	Q2	Q3	Q4
SW1	Jan, Feb			
SW2		Apr, May, Jun	Sep	
SW3	Feb, Mar	Apr, Jun	Jul, Sep	Oct, Nov, Dec
SW4	Jan, Feb, Mar	Apr, May, Jun	Jul, Aug, Sep	Oct
SW5		Apr, Jun	Jul, Aug, Sep	Oct
SW6				
	7	10	9	Total 31

Biological Oxygen Demand (BOD) – Permit limit 3.35mg/l. List of exceedances.

Monitoring Point	Q1	Q2	Q3	Q4
SW1	Jan, Feb			

SW2		Jun	Aug, Sep	Oct
SW3		Apr, Jun	Jul	Nov, Dec
SW4	Jan, Feb, Mar	Apr, Jun	Jul, Aug, Sep	
SW5	Jan, Mar	Apr, Jun	Jul, Sep	
SW6	Mar			
	8	7	8	Total 26

For Ammonia there were 31 months where permit exceedances occurred. These have been combined into a single Cat 3 breach of permit condition 3.6.1

- **Decision – NRW apply a combined noncompliance permit condition 3.6.1 concerning Ammonia to groundwater for 31 exceedances during 2021 which could have had a minor environmental effect.**
4.0 points

3.0 Leachate

Ammonia –List of permit limit exceedances

Monitoring Point	Q1	Q2	Q3	Q4
L1			Sep	
L3				
L5				Oct
L6			Sep	Dec

Chloride

Monitoring Point	Q1	Q2	Q3	Q4
L2	Jan, Feb, Mar	Apr, May, Jun	Jul, Aug, Sep	Oct, Nov, Dec

Nickel permit limit 0.3mg/l (300ug/l) Months where exceedances occurred.

Monitoring point	Q1	Q2	Q3	Q4
L2			Aug, Sep	Nov
L4				Nov

Nickel permit limit 0.1mg/l (100ug/l) Months where exceedances occurred. Note L3 had a large spike of almost 1.6 mg/l in September.

Monitoring point	Q1	Q2	Q3	Q4
L1			Jul, Aug, Sep	Oct, Nov, Dec
L3			Jul, Aug, Sep	Oct, Nov, Dec
L5			Jul, Aug, Sep	Oct, Nov, Dec
L6			Jul, Aug, Sep	Oct, Nov, Dec

Mecoprop permit limit 30mg/l, months where exceedances occurred.

Monitoring Point	Q1	Q2	Q3	Q4
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L1			Sep	Oct, Nov
L5				Nov
L6			Aug	Oct, Nov
SL4			Aug, Sep	Nov

In total there were 55 months where a substance limit exceedance occurred. NRW apply a combined Cat 3 breach of permit condition 3.6.1 for exceeding limits throughout the 2021 period.

- **Decision – 1 x Cat 3 noncompliance to permit condition 3.6.1 for a combination of substance exceedances which could have a minor environmental effect.**

4.0 points

Total 12.2 points.

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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.