

Compliance Assessment Report

Report ID:
CAR_NRW0017494

This form will report compliance with your permit as determined by an NRW officer

Site	Pwllfawatkin Landfill Site EPR/BU8819IV	Permit Ref	BU8819IV			
Operator/Permit holder	FCC Waste Services (UK) Limited					
Regime	Installations					
Date of assessment	22/03/2016	Time in	10:00	Out	15:00	
Assessment type	Audit					
Parts of the permit assessed	permit conditions 2.8.1, 2.8.6 and 2.8.10					
Lead officer's name	Thomas, Ffion					
Accompanied by	Warrick, Linda					
Recipient's name/position	RICHARD THOMAS/ Site Manager	Date issued	01/06/2016			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
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KEY: See Section 4 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **N** = Not Assessed, **X** = Action only

Number of breaches recorded	0	Total compliance score (see section 5 for scoring scheme)	0
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

This compliance Assessment Report form has been completed following the pre-planned waste acceptance audit undertaken on the 22 March 2016 at Pwllfawatkin landfill site.

Present at the audit was:

Ffion Thomas – PPC officer NRW

Linda Warrick – EO NRW

Richard Thomas – Site Manager FCC

Alwyn Spedding – NPT contract manger FCC

Scope of audit:

The audit was undertaken following a recent noncompliance at the site which was assessed under CAR 6065 following notification of a breach of waste acceptance. This audit did not look to re-assess the matters covered under CAR 6065 but to audit the landfills waste acceptance procedures.

The Landfill Directive sets rigorous standards to reduce both our reliance on landfill and the environmental impact of wastes disposed of by landfill. Tighter operational and infrastructure standards limit the types and nature of waste that we can send to landfill and place greater restrictions on the location of landfill sites.

The key points are:

- Certain kinds of waste cannot be landfilled.
- Landfills are classified according to whether they can accept hazardous, non-hazardous or inert wastes.
- Wastes can only be accepted at a landfill if they meet the waste acceptance criteria (WAC) for that class of landfill.
- Most wastes must be treated before you can send them to landfill.

Under the Environmental permitting regulations, landfill directive

and council decision (2003/33/EC) there are standards related to waste acceptance. The guidance document "Waste Acceptance at Landfills, Guidance on waste acceptance [procedures and criteria]" EA version 1, Nov 2010 outlines the requirements. Relevant sections have been added below:

Guidance above was used during the audit and relating it to Pwllfawtins permit conditions 2.8.1, 2.8.6 and 2.8.10 were assessed during this audit and the following aspects audited:

1. Review site Waste Acceptance Procedure (WAP)

2.1.1 Waste acceptance procedures

The Council Decision lays down waste acceptance procedures (WAP). From this foundation landfill operators should build their own site-specific WAP. The Council Decision WAP must be used to determine whether a waste is suitable to go to landfill, and if so, to which class of landfill. The WAP consist of three steps to identify and periodically check the main characteristics of the waste (see Section 9):

Level 1: basic characterisation. Before you can send a load of waste to landfill, you need to know its composition and properties so you can determine whether it is suitable for acceptance and at which class of site (see the Council Decision Annex, paragraph 1.1),

Level 2: compliance testing. If you produce waste that is 'regularly arising', e.g. from an industrial process, you must periodically check the waste to ensure that those properties have not changed (see the Council Decision Annex, paragraph 1.2),

Level 3: on-site verification. The operator must check each delivery at the landfill to verify that it is the expected waste and that it has not been contaminated in storage or transport (see the Council Decision Annex, paragraph 1.3).

As well as WAP, all waste holders have a Duty of Care^{2, 3}. This means that you must:

- take all reasonable measures to prevent a breach of any legislation, including permit conditions;
- make sure that your waste is contained and does not escape your control;
- pass on a written 'waste description' with the waste which others will need to avoid a breach of legislation. The 'basic characterisation' summarised above will fulfil this obligation; and
- pass on a waste 'transfer note' with the waste (includes use of a season ticket where appropriate). The Environmental Protection (Duty of Care) Regulations 1991 require that transfer notes use the List of Wastes Regulations⁴ to identify wastes.

The Landfill Directive and Council Decision introduce a hierarchy of waste characterisation and testing known as the waste acceptance procedures:

Level 1 – basic characterisation

Level 2 – compliance testing

Level 3 – on-site verification.

Level 1: Basic characterisation. This is a thorough determination, according to standardised analysis and behaviour-testing methods, of the short and long-term leaching behaviour and/or characteristic properties of the waste.

Level 2: Compliance testing. This is periodic testing of regularly arising wastes by simpler standardised analysis and behaviour-testing methods to determine whether a waste complies with permit conditions and whether a waste with known properties has changed significantly. The tests focus on key variables and behaviour identified by basic characterisation.

Level 3: On-site verification. This constitutes rapid check methods to confirm that a waste is the same as that which has been subjected to compliance testing and that which is described in the accompanying documents. It may merely consist of a visual inspection of a load of waste before and after unloading at the landfill site

This means that before sending waste to landfill, waste producers and landfill operators must ensure that they know:

- all of the properties of the waste which are relevant to its potential for pollution or harm to health (this includes a hazardous waste assessment using WM2); and
- the options for the management of the waste.

Regularly arising wastes must then be periodically checked to ensure that those properties have not changed.

All wastes must also be checked at the landfill in order to verify that it is the expected waste and that it has not been contaminated in storage or transport.

- P)
2. Waste producer characterisation review procedure/ Internal checking systems
 3. Conformity sampling procedures
 4. Clinical/offensive waste acceptance
 5. Weighbridge operations and waste recording
 6. Staff training

The audit was divided into a question session at the site office and then an accompanied site visit to observe the operations at the weighbridge and landfill tipping face.

Audit Findings:

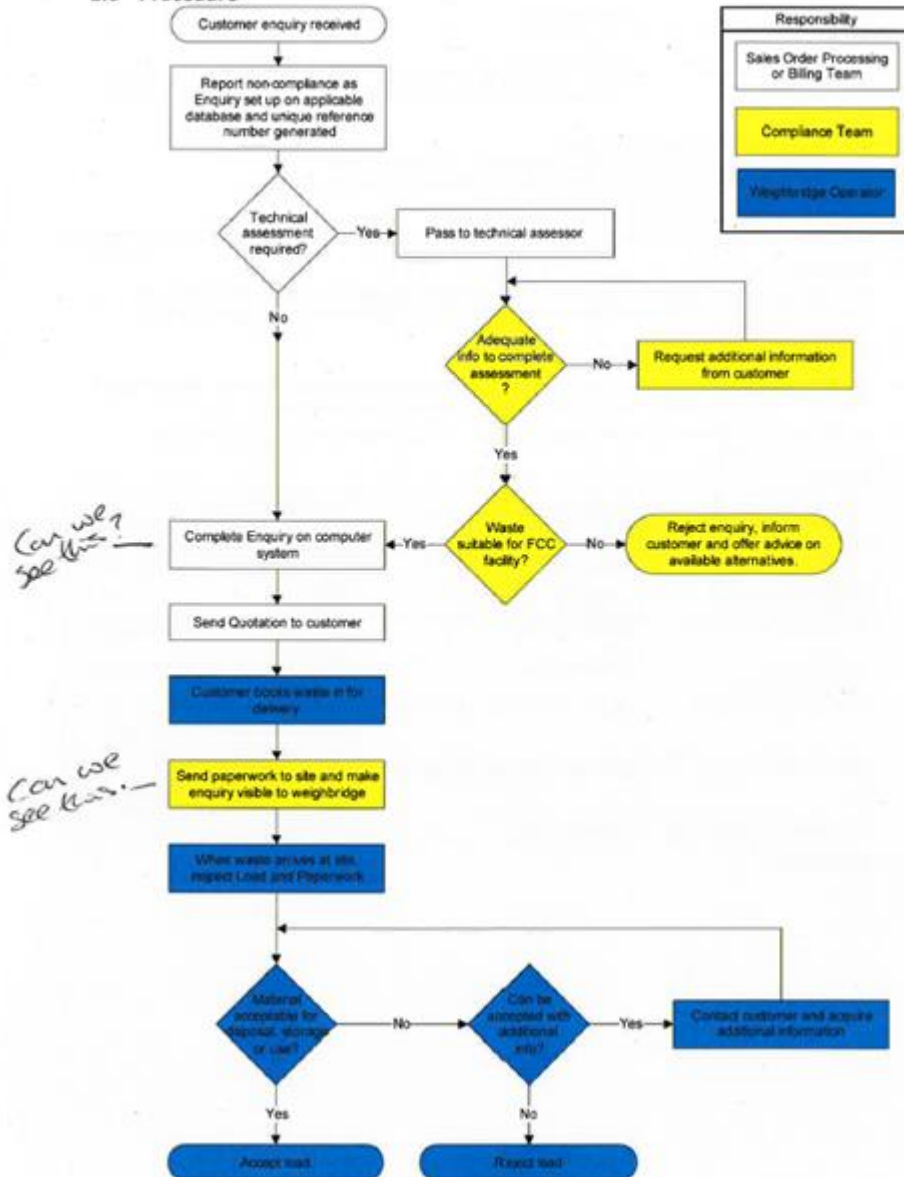
1. Review site Waste Acceptance Procedure (WAP)

Prior to the audit meeting date a request was made for the operator (directed to Richard Thomas as site manager) to forward the sites Waste Acceptance Procedures, the following documents were provided:

Copy of the Integrated Management System, Waste Acceptance – LNF Document no. EMS-3-12-02-LNF version 2.0 (Branded as Waste Recycling group) and copy of the Waste Acceptance flow chart (see picture below)

A review of these documents was undertaken prior to the site meeting. Whilst the doc ref EMS-3-12-02-LNF may need to be reviewed and updated to the FCC template (currently still branded as WRG) the context was relevant to the site and met the landfill directive requirements related to waste acceptance.

1.0 Procedure



	FCC Environment Integrated Management System	
Document Title:	Waste Acceptance Procedure	Mandatory
		Guidance
		Project Specific

2.0 Definitions

Ref	Item	Definition
2.1	Technical Assessment	Classification of a waste stream in accordance with current legislation and guidance
2.2	Technical Assessor	Someone suitably qualified and experienced to accurately classify a waste stream in accordance with current legislation and guidance

3.0 References

- 3.1 IMS-UG031; Waste Acceptance Guidance
- 3.2 The Environmental Permitting (England and Wales) Regulations 2010
- 3.3 The Waste Management Licensing (Scotland) Regulations 2011 ammended 2016
- 3.4 The Waste (England and Wales) Regulations 2011
- 3.5 The Waste (Scotland) Regulations 2011 ammended 2012
- 3.6 Guidance on the classification and assessment of waste (1st edition 2015) Technical Guidance WM3 ✓

4.0 Narrative

None required as relevant information to this procedure is contained within the flow chart, the relevant paragraphs of Section 2 Definitions and the Waste Acceptance Assessment Guidance.

5.0 Training & Competency

- 5.1 All functions within the procedure shall be trained in the operation of this procedure and the details recorded on the appropriate Training Record form to demonstrate competence.
- 5.2 Weighbridge Operator and supervisory staff to have completed the Duty of Care and Permit Compliance courses

6.0 Records

Record type	Storage Method	Storage Location
Duty of Care Transfer Notes	Hard Copy	Site Filing System (SFS) and kept for a minimum of 2 years
Hazardous Waste Consignment Notes	Hard Copy	SFS and kept for a minimum of 3 years
Weighbridge Ticket	Hard Copy	SFS
Customer Enquiry Form	Electronic Copy	Doncaster Z Drive or Northampton G Drive
Pre-Treatment Confirmation Form	Electronic Copy	Doncaster Z Drive or Northampton G Drive
Waste Summary Form	Electronic Copy and Hard Copy	Electronic copy on Doncaster Z Drive or Northampton G Drive. Hard Copy kept in Weighbridge
Waste Sampling Plan	Electronic Copy and Hard Copy	Electronic copy on Doncaster Z Drive or Northampton G Drive. Hard Copy kept in Weighbridge
Completed Waste Enquiry	Electronic Copy	GLADIS Database

7.0 Appendices

- 7.1 None.

Note 1: WM2 has now been replaced by WM3 and has been included in the sites flow chart above.

Note 2: Regulatory officer added written notes to the flow chart and these points discussed during the site meeting.

1. Waste producer characterisation review procedure/ Internal checking systems

During our site meeting Richard Thomas and Alwyn Spedding explained the FCC procedure

(which the flow chart refers) They explained that all waste producers (Customers) are directed to the FCC regional office sales ordering team, it is here that the initial contact is made with a waste producer to determine the waste types and if they can be accepted. Where technical assessments are required the customer is then assigned to the South West Compliance team who are the department that undertake the technical assessments. Within this team there are Technical Assessors who undertake the assessment of the waste producers' characterisation.

This team will review the waste characterisation information that has been supplied and undertake the determination of whether it is possible to be accepted at the relevant site against the site specific WAP. Therefore confirming if a site, in this case Pwllfawarkin, can receive the waste.

If the waste is assessed as meeting the site WAP then it can be accepted. On arrival at site the waste is logged in at the weighbridge. Here every load is reviewed. The paper work is checked by the site operators (manager and weighbridge) and visually inspected (where practicable) to ensure it reflects the information supplied in both the transfer notes accompanying the load but also meets the customer booking paperwork which has been sent by the Sales/compliance team.

Any anomalies will either lead to further information being requested or the load being refused/rejected.

The waste is then accepted for disposal, or in some cases storage if to be used for future landfill restoration. In this audit we have concentrated on waste for disposal. The waste is then directed to the tipping face. At this location the load is tipped and again visually checked to ensure it conforms to the paper work and waste characterisation description.

Any nonconforming waste found are quarantined pending further information or rejected.

In the case of needing to quarantine waste, the area on the tipping face is coned off to prevent other wastes being added or the nonconforming waste from being buried. In these circumstances FCC would liaise with NRW to determine the procedure to follow. Whilst this has not occurred to date it is the regulatory officer's current opinion that if substantiated to be nonconforming the waste would be excavated and returned to the producer and/or sent to an appropriate facility capable of accepting the waste.

Where individual nonconforming wastes are found in a load or seen during the load tipping, e.g. a tyre/gas bottle these are picked out of the load from the tipping face and returned to the producer.

A discussion was had in relation to the difficulties surrounding builders skips and plasterboard fines and asbestos. Whilst sheets were easily identified and rejected fragments can be an issue and very difficult to identify and remove. This is acknowledged by NRW and a practicable approach by FCC is acknowledged. With improvements to construction waste management practices this issue has reduced but it is acknowledged that small scale development can still lead to poor segregation practices. Pwllfawarkin do not currently have many independent builders directly disposing of waste, this appears to limit the potential for plasterboard fines to be accepted.

Note: there is a designated soils assessment team within the SW compliance team that undertake all soil based analysis, characterisation, and waste acceptance work.

As outlined the technical assessors undertake the checks required to determine if the site can accept the waste. In addition to the onsite checks detailed above.

The WAP flow chart details the reference documents used by the compliance team in undertaking determination of waste acceptance. This included the use of WM3. This was acknowledged as being good practice and meeting the guidance note “waste acceptance at landfills”

Ffion Thomas enquired if the compliance team were receiving WM3 based waste characterisation assessments from producers as part of the producer’s duty of care.

ACTION RT FCC: Confirm if FCC’s South West Compliance Team technical assessors are receiving WM3 characterisation from producers, if not receiving WM3 characterisations then confirm what “information/tests” are being received to confirm the waste characterisation received by the producer.

1. Conformity sampling procedures

As part of the internal site checks FCC undertake conformance sampling of wastes. This is done both on new customers but also periodically, dependant on the “job” amount, with existing customers.

The sampling plan for every customer is sent from FCC head office (SW compliance team) to Pwllfawtkin. For instance the soil compliance team will send sampling plans based on tonnage. The first load is always sampled and then in increments of 500 tons, depending on the soil assessment type. There may be instances where extra sampling may be programmed in.

Pwllfawtkin and FCC also undertake a sampling programme of the inert fines sent to them from transfer stations. Again it is co-ordinated from the head office, but an email is received via pre-programmed scheduling of the customers deliveries informing the site when to undertake sampling. The sampling is undertaken to test the loss of ignition and meets the HMRC landfill tax liability of fines, see below for info and background on LOI taken from the .GOV website:

The automated system informs the site, and weighbridge when to take the samples based on sampling every 500 tons. 2 samples are taken each time, 1 retained for 6 months and the other sent for analysis.

Pwllfawtkins weighbridge is also in the process of developing a spreadsheet to require the same sampling regime for sampling of soil jobs.

A new loss on ignition test will be carried out on landfill waste to determine the correct tax liability of fines.



Waste operators now have to have samples of their waste products tested to ensure they are paying the correct amount of landfill tax.

Samples of waste 'fines' must be tested in a laboratory to determine the LOI at 440 °C, under the [Landfill Tax \(Qualifying Fines\) \(No. 2\) Order 2015](#).

The procedures for the prescribed test are clearly defined in HMRC's Notice LFT1 and the guidance can be accessed [here](#)

This includes how to take a representative sample, sample preparation and sample treatment, specifically detailing the temperature to be used, weight of sample and length of drying.

Please note that failure to conduct the prescribed test according to the correct methodology will render all fines the landfill operator receives liable to the standard rate of landfill tax from the time of that failure until such time as the failure is put right in relation to a later quantity of fines.

Fines are classified as the smaller fractions of waste produced by mechanical waste treatment processes.

Wastes with less than 10 % LOI qualify for a lower rate of landfill tax, but there is a transitional period for wastes with an LOI up to 15 %.

Laboratories carrying out these tests should be accredited for such measurements according to ISO/IEC 17025 and should know the uncertainty associated with the measurements so that the new legislation can be accurately enforced.

Currently soil sampling is undertaken at the tipping face. The sample is taken from the "mound" of soil after it is tipped. 2 samples are taken. 1 retained and the other sent for analysis. As the soil load is tipped it is visually checked as per the WAP to ensure the load is consistent and the sample representative. As the sample is taken from the load immediately after tipping there is minimal room for error via cross contamination from other wastes/loads.

Samples are carried by TNT to ESG labs, an accredited company. There is usually a 7 day turn around at the earliest, 14 days at the most.

The screenshot shows the ESG website with a dark header and a sidebar. The main content area features a large image of a waste management facility. The sidebar lists various services and contact information.

ESG Who we are • What we do • What's new • Join us • Get in touch • [Download Our Brochure](#)

Recycling Management

Our Story
Our Vision & Values
Our Team
Our Executive Team
Our Experts
Accredited Services
Policies

ESG is the leading provider of testing, inspection and compliance services.

Operating across the UK, we offer an unrivalled range of technical expertise and accredited services. No matter what your industry, we can virtually guarantee that one of our divisions has the experience to help you meet your requirements.

Our services to the Waste Industry include:

- SPF/ROF / Biofuels Testing
- Waste Acceptance Criteria Testing (BSEN 12457)
- Landfill Leachate Testing
- Water Testing
- Asbestos Sampling & Analysis
- Contaminated Land Investigation
- Landfill Gas Analysis
- Stack Emissions Monitoring & Testing
- Dust & Air Quality Analysis/Investigation
- Ground Investigation
- SPF/ROF / Biofuels Testing

1. Clinical/offensive waste acceptance

Linda Warrick, NRW Environment officer, accompanied the audit. Linda specialises in the hazardous and clinical waste sector working within the SW waste regulation team. Linda attended both to help with the audit but also to complete some cradle to grave clinical waste management auditing works.

Pwllfawtkin landfill are permitted to accept clinical waste described as 18 01 04 and 18 02 03. These refer to non-infectious wastes. No sharps are received at the site.

ACTION RT FCC & FT NRW to check waste returns submitted for any 20 01 99 wastes accepted.

Pwllfawtkin are permitted to receive municipal offensive wastes coded as 18 01 04. Pwllfawtkin currently receive such wastes from EPS (via SRCL) as tiger bags from SRCL's autoclaved shredded waste. Pwllfawtkin also receive 18 01 04 from Europest Environmental Services. They operate a collection service for care homes, collecting from a round (multiple stops) before disposing of waste at Pwllfawtkin. Weighbridge duty of care notes were inspected for this company. A check of Europest's duty of care note did show an error in that the location of the multiple stops had not been included. FCC agreed to chase this issue up with the customer and ensure duty of care notes are fully completed in future.

Discussions were held as to whether FCC undertake any audits/checks on these clinical waste operators, to ensure they are complying with their duty of care and undertaking the required pre-acceptance checks. This checks are aimed at ensuring that the waste characterisation is correct and confirm that the waste is non-infectious. It is the waste producer's responsibility to undertake these pre-acceptance checks.

ACTION RT FCC – confirm if FCC's technical assessors are auditing clinical waste customers to ensure pre-acceptance checks are being undertaken by the customer.

1. Weighbridge operations and waste recording

A visit was made to the weighbridge. The operator (Sean) was questioned about the operations and showed a very good understanding of his work. He talked us through the LOI testing he undertakes (see above for background on LOI) and also discussed the setting up of a soil sampling spreadsheet to ensure programmed samples are scheduled and documented. Currently the SW compliance team inform when samples are to be taken. The development of the

spreadsheet will help the site operators to programme in sampling too, knowing when the weighbridge is e.g. nearing the 500 ton sampling point of a customer.

Some random checks of duty of care notes were undertaken (apologies if this left documents out of order and caused Sean difficulties in his work) the checks only raised one issue as discussed above in relation to the Europest document.

1. Staff training

All staff questioned during the audit showed a complete understanding of the working processes and sites waste acceptance procedures. Internal FCC training is undertaken regularly and the site manager has also forwarded to NRW copies of their continued competence against WAMITAB.

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ACTION SUMMARY

ACTION FCC: Confirm if FCC's South West Compliance Team technical assessors are receiving WM3 characterisation from producers, if not receiving WM3 characterisations then confirm what "information/tests" are being received to confirm the waste characterisation received by the producer.

ACTION FCC & FT NRW to check waste returns submitted for any 20 01 99 wastes accepted.

ACTION FCC – confirm if FCC's technical assessors are auditing clinical waste customers to ensure pre-acceptance checks are being undertaken by the customer.

END.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0017494**

This form will report compliance with your permit as determined by an NRW officer

Site	Pwllfawatkin Landfill Site EPR/BU8819IV	Permit Ref	BU8819IV
Operator/Permit holder	FCC Waste Services (UK) Limited	Date	22/03/2016

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition.

Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.