

Natural Resources Wales permitting decisions

Biffa Waste Services Limited Trecatti Landfill Decision Document

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Variation

Variation number is: EPR/RP3733PC/V013

The applicant /operator is: Biffa Waste Services Limited

The Installation is located at: Trecatti Landfill Site, Fochriw Road, Merthyr Tydfil, CF48 4AB

We have decided to issue the variation for Trecatti Landfill operated by Biffa Waste services limited.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Biffa Waste services limited have applied for a minor technical variation to add a European waste code (EWC) 10 02 07 (solid wastes from gas treatment containing hazardous substances) to Table S2.4. This will allow wastes under this category to be accepted into the stable non-reactive hazardous waste cell. The waste accepted under this code is similar to the waste codes that were added in the previous variation.

Key issues of the decision

Receipt of application

The application was received on the 28/04/2022 and allocated to a permitting officer 23/05/2022. The application was deemed duly made upon the date receipt of the application.

Requests for information

A Schedule 5 Notice was sent to the Operator on 23/06/2022 requesting additional information relating to the dust management plan. A response was received on the 07/07/2022.

Confidential information

No claim for commercial or industrial confidentiality has been made.

Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.

Consultation

There was no formal consultation required for this variation. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.

Operator

We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.

The facility

The regulated facility is an installation which comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations 2016 and the following directly associated activities:

- S5.2 A(1)(a) The disposal of waste in a landfill. Landfill for non-hazardous and stable non-reactive hazardous waste (SNRHW) including asbestos containing waste;
- S5.4 A(1)(a)(i) Disposal of non-hazardous waste in a facility with a capacity exceeding 50 tonnes per day by biological treatment;
- S5.3, Part A(1)(a)(ii) Recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico chemical treatment; and
- S5.6, Part A(1)(a) Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes.

The following are listed as directly associated activities:

- Burning of waste as a fuel: Combustion of landfill gas for the purpose of electricity generation;
- Landfill gas flaring: Flaring of landfill gas for disposal in an appliance;
- Effluent discharge to sewer: Discharge of treated leachate to sewer;
- Water discharges to controlled waters: Discharges of site drainage from the landfill;
- Fuel storage: Storage of fuel for operation of plant and equipment;
- Storage of other raw materials including lubricating oils and antifreeze;
- Production and storage of waste oils: Production of waste oil during the operation of the listed activity and subsequent storage; and
- Landfill.

The following Schedule 1 activities are list as directly associated activity for the waste remediation pad:

- Multipurpose waste treatment and remediation pad: Waste treatment facility;
- S5.3 A(1)(a)(i):Recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving biological treatment;
- S5.4 A(1)(b)(i):Recovery of non-hazardous waste soils with a capacity exceeding 75 tonnes per day involving biological treatment;
- S5.6 A(1)(a): Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes.

There are no proposed changes to these activities as a result of this variation.

Legislation

NRW is satisfied that this decision is compatible with its general purpose of pursuing the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources

All applicable European directives have been considered in the determination of the application.

The application to accept stable non-reactive hazardous waste with asbestos waste in the same cell was considered to satisfy the Landfill Directive when read with the Environmental Permitting Regulation (2016) interpretation of the directive (schedule 10 paragraph 7(h)).

The site

The operator has provided a plan which we consider is satisfactory, showing the extent of the existing site of the facility.

There is no change to the site boundary or layout as a result of this variation.

Site condition report

There is no change to the site boundary as a result of this variation as and such no updated Site Condition Report was submitted with the application.

Stability Risk Assessment (SRA)

The waste being accepted on the site under the new waste code has similar properties to the wastes that were added in the previous variation (EPR/RP3733PC/V012), therefore the existing stability risk assessment remains relevant.

Biodiversity, Heritage, Landscape and Nature Conservation

The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.

The following Special Area of Conservation (SAC) was within 10 km from the edge of the site:

- Usk Bat Sites / Safleodd Ystlumod Wysg

HRA is not required because there is no conceivable impact pathway to any Natura 2000/Ramsar site

There are no SSSI within 2 km from the site boundary.

There were 8 local wildlife sites and 1 ancient wood land (listed below) were found within 2 km of the site boundary.

- Cefn Gelligaer, West of Deri
- Pan March and Traed y Milwyr, Llechryd
- Tair Carreg Moor, North West of Fochriw
- Blaenmorlais
- Glynmil
- Cwm Golau
- Merthyr Common South
- Merthyr Common North
- Ancient Semi Natural Woodland

There is no impact pathway of the variation to impact these sites.

Environmental Risk Assessment

Air

There are no changes to any channel emissions to air as a result of this variation.

Emission limits

There are no changes to any already existing limit in place on the permit as a result of this variation.

Water

There is no change to the emissions to water as a result of the variation. All leachate from this monocell is treated at the effluent treatment plant prior to discharge to sewer. The waste accepted under the new code has a similar composition to those already permitted to be accepted on site and therefore the composition of the leachate would not change as a result of this variation.

Emission limits

There are no changes to any already existing limit in place on the permit as a result of this variation.

Soil

The proposed waste being accepted under the waste code 10 02 07 is similar to those accepted in the stable non-reactive hazardous waste cell as such there is no increased risk of pollution to ground as a result of this variation.

Odour

The addition of the EWC code is not expected to change or increase the risk of odour pollution from the site.

Noise

The variation is not expected to have impact or change to any noises produced by the activities on site.

Fugitive emissions

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise fugitive emissions and to prevent pollution from fugitive emissions.

The operator has submitted a dust management plan as part of the application. The dust management plan outlines the nearest receptors, activities that can lead to dust emissions and controls in place for minimising/preventing dust emissions. We have assessed this dust management plan against the relevant criteria. We have found the dust management plan satisfactory.

The permit currently has a limit for particulate matter in ambient air (Table S3.12). In accordance with the dust management plan, the operator will monitor dust emissions monthly (rather than 6 months) for the first quarter (3 months) after accepting the waste to ensure that the site will remain compliant with the limits in place. Two improvement conditions have been added to the permit as part of this variation which require the Operator to submit a report detailing the results of this monitoring and update the Dust

Management Plan with additional mitigation measures if dust emissions are found to be unacceptable (please see Annex 1).

Monitoring

As part of their dust management plan the operator will increase the monitoring frequency for particulate matter in ambient air (under Table S3.12) to a monthly basis for the first quarter (3 months) after accepting the waste under the EWC 10 02 07. If the particulate matter levels are within the limits of Table S3.12 during the first quarter the monitoring will revert back to a 6 monthly basis.

There are no other changes to monitoring or frequencies.

Reporting

There has been no change to reporting as a result of the variation. All activities relating to acceptance of the new waste code and monitoring of dust are covered by existing conditions within the permit.

Operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.

The dust management plan and a revised site specific work instruction has been submitted as part of the application and response to the Schedule 5 notice. Both of these documents have integrated into the operating techniques table (Table S1.2).

The permit conditions

Raw materials

There are no changes to the limits on raw materials as a result of this variation

Waste types

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.

We are satisfied that the operator can accept these wastes for the following reason:

- The waste code being accepted to the stable non-reactive hazardous waste cell is similar to the wastes that were added in the previous variation

(EPR/RP3733PC/V012). It is therefore not believe that the new waste pose any additional risk than those permitted. The main issues around these waste were addressed in the previous variation and the proposal was found to be satisfactory.

- The applicant has submitted a dust management plan outlining the procedures to reduce the risk of dust emissions from the site as a result of accepting the new waste and actions to be under taken in an event that excess dust occurs.

We made these decisions with respect to waste types in accordance with the landfill directive.

Incorporating the application

We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.

These descriptions are specified in the Operating Techniques table (Table S1.2) in the permit.

Improvement conditions

Based on the information on the application, we consider that we need to impose improvement conditions. Details of the improvement conditions used can be found at Annex 1

Environment management system

There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.

The operator has sent a copy of their ISO 14001 certificate as part of the application.

Financial provision

There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.

The financial provision arrangements satisfy the financial provisions criteria.

The new waste code is similar to the waste already accepted on the site. As such we believe that the current financial provision will remain relevant.

OPRA

The OPRA score at permit issue is 262. This has not changed following this variation.

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ANNEX 1: Improvement Conditions

Table S1.3 Improvement programme requirements

Reference	Requirement	Date
IC5a	For the first 3 months following the commencement of acceptance of waste under EWC code 10 02 07, the Operator shall undertake monthly monitoring of particulates (PM10) and deposited particles in ambient air in line with the Dust Management Plan (dated July 2022). Once completed, the Operator shall submit a written report to Natural Resources Wales for approval, which details the results of the monitoring.	Within 4 months after of the commencement of waste acceptance under the European waste code 10 02 07* or as otherwise agreed in writing with Natural Resources Wales
IC5b	Following completion of Improvement program requirement 5a, if the monitoring report demonstrates an exceedance in limits detailed in Table S3.12, the Operator shall: - Implement suitable mitigation measures to ensure dust is not exceeding the limits detailed in Table S3.12 - Complete a revised Dust Management Plan incorporating the proposed mitigation measures. The Operator shall submit the revised Dust Management Plan to Natural Resources Wales for approval, in writing. Note that this Improvement program requirement will be deemed complete if completion of Improvement program 5a demonstrates that limits in Table S3.12 are not exceeded.	Within 1 month of completion of IC5a