

Compliance Assessment Report CAR_NRW0040320

Permit being assessed: SP3531SK.

For: Gwent Waste Management Centre NRW/EPR/SP3531SK/V007, held by Tradebe Gwent Limited

At: Gwent Waste Management Centre Corporation Road, Corporation Road, Newport, NP19 4RD.

Type of assessment carried out: Unknown, Reason: Routine.

On 24/08/2022.

Parts of permit assessed: BATc Compliance and Implementation

NRW Lead Officer: Rebecca Green, accompanied by David Willey, Geraint Harris.

Report sent to: Alex Morris, Site Manager on 26/08/2022.

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)	
C2 - General Management - Management system and operating procedures	Assessed (A)	
E4 - Emissions - Sewer	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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

Tradebe requested a virtual meeting with Natural Resources Wales (NRW) to discuss compliance with the monitoring requirements that apply from 17th August 2022, following the publication of the BAT Conclusions (BATc) for the waste treatment sector and the subsequent issue of the varied permit.

Present at virtual meeting:

AM, Site Manager, Tradebe;

RD, SHEQ, Tradebe;

David Willey (DW), Lead Specialist Advisor, Industry & Waste Regulatory Approaches, NRW;

Geraint Harris, Senior Officer, Industry Regulation (IR) South Central, NRW;

Rebecca Green (RVG), Senior Officer, IR South East, NRW (site officer).

DW outlined the different approaches taken by the Environment Agency (EA) and NRW in implementing the BATc for the waste treatment sector. Both are now at a similar stage in the process and have agreed a common approach.

Sewage treatment reduction factors (STRF) may only be applied where the receiving wastewater treatment works (WWTW) can demonstrate that the pollutant is treated and abated, not merely diverted to another receptor (for example, metals in WWTW sludge which is either spread to land or sent to landfill. Neither EA nor NRW will accept this as abatement). This is not in line with the requirements of IED Article 15(1) where it states, ‘With regard to indirect releases of polluting substances into water, the effect of a water treatment plant may be taken into account when determining the emission limit values of the installation concerned. However, this is provided an equivalent level of protection of the environment **as a whole** is guaranteed and that consequently this **does not lead to higher levels of pollution in the environment.**’

If an operator carries out an activity listed in the Bref/BATc (for example, “Treatment of water based liquid waste”), then the relevant BAT associated emission levels (AEL) must be included in the permit. Where the operator can demonstrate that the pollutant is not present in the incoming waste (using BAT3), then the BAT AEL will not apply for that substance (Table 6.2, note 3). NRW have set BAT AELs at the upper limits given in Table 6.2 of the BATc. There is no leeway for NRW to set limits higher than the BAT AELs. They can reduce the monitoring frequency if they consider emission limits sufficiently stable (BAT7, note 1).

Tradebe have submitted extensive monitoring data and evaluations of that data. NRW have assessed the raw data for metals, since STRFs cannot be applied to emissions of metals, concluding that nickel emissions give cause for concern. The annual average exceeds the AEL and the maximum value exceeds the TEC (trade effluent consent). NRW appreciate that Tradebe will have to make a significant investment in order to meet the BAT AEL and that the approval process for this expenditure and timeframe for installation and commissioning may run over more than one financial year.

NRW are prepared to delay the implementation of the BAT AELs given in Table S3.3 until 1st September 2023, as long as Tradebe provide NRW with a timeline for the installation and commissioning of the modified treatment plant, or an acceptable alternative plan. In addition, all emissions of metals must remain within the limits set in Tradebe’s Consent to Discharge

(DC/S/D305 OF 2021) agreed with Dwy Cymru Welsh Water (DCWW) on 21st March 2021. Tradebe must submit quarterly monitoring results to NRW for all the parameters given in Table S3.3 in V009 of their permit using the latest issue of form S1. Non-compliances will not be recorded against the parameters given in Table S3.3, provided that they are within the limits set by DCWW. Any emissions above these limits must be reported as soon as they are discovered using the Schedule 5 Notification procedure. NRW may, at their discretion, reconsider these decisions at any time.

The final monitoring requirements for adsorbable organically bound halogens (AOX), benzene, toluene, ethylbenzene and xylene (BTEX) and the hydrocarbon oil index (HOI), are still being assessed. Tradebe are advised to contact DCWW to determine whether these pollutants are treated and abated at DCWW's WWTW and if any STRFs could be applied. NRW should be informed of the result of these enquiries as soon as possible so that the monitoring requirements can be assessed and implemented.

NRW would like to thank Tradebe for their time and commitment in implementing the requirements of the BATc. We look forward to further open and frank discussions.
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.