

Compliance Assessment Report CAR_NRW0040970

Permit being assessed: SP3031SJ.

For: Cardiff Waste Management Resource Centre NRW/EPR/SP3031SJ/V002, held by Biffa Waste Services Ltd

At: Curran Embankment , Riverside, Cardiff, South Wales, CF10 5FX.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 31/12/2022.

Parts of permit assessed: Annual Reporting / Waste returns

NRW Lead Officer: Dale Padfield.

Report sent to: Alex Gee, Depot Manager on 20/01/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E5 - Emissions - Waste	Assessed (A)	
E4 - Emissions - Sewer	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	
C2 - General Management - Management system and operating procedures	Action only (X)	

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?

Criteria	Action needed	Complete by
C2	Please produce a document that demonstrates the equivalence of Biffa's current arrangements to the requirements of the NRW FPMP guidance.	28/02/2023

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

Biffa Waste Services Ltd

EPR/SP3031SJ

This Compliance Assessment Report (CAR) covers the following topics,

- Response to actions issued to Biffa in CAR_NRW0040328
- Waste returns summary for quarters two, three and four of 2022
- Annual reporting for 2022.

Waste Returns

The quarter two (April – June) waste returns were received on the 20th of July 2022. A total of 771.982 tonnes of waste was received with a total of 782.286 tonnes of waste removed.

All were compliant and are accepted.

The quarter three (July – September) 2022 waste returns were received on the 31st of October 2022. During routine inspection of the returns a non-permitted EWC code ~ 180108* was identified. The returns stated that 100kg of 1800108* had been accepted by the site. On the 02nd of November 2022 Biffa were asked to investigate why the non-permitted waste was accepted and the actions they intended to take to ensure safe disposal of the waste. A reply was received on the same day stating that the waste had been discovered during the offloading phase and was correctly identified as non-permitted and rejected. A copy of the consignment note was provided and showed that the 100kg of 1800108* had been rejected and sent onto Biffa Atherstone who are permitted to accept this waste code. The waste appeared on the waste returns due to an error, whereby the waste was not removed from the incoming verification sheet and was subsequently transferred into the quarterly report. Such occurrences from the site are extremely rare, however, Biffa are reminded to please be mindful when submitting their waste returns.

A corrected waste submission form was received on the 02nd of November 2022. A total of 695.8606 tonnes of waste was received with a total of 700.365 tonnes of waste removed.

All were compliant and are accepted.

The quarter four (October – December) 2022 waste returns were received on the 19th of January 2023. Biffa received a total of 766.182 tonnes with a total of 725.02 tonnes removed from site. All were compliant and are accepted.

Actions from CAR_NRW0040328

In CAR_NRW0040328 Biffa were tasked with the following action.

Action 1 Biffa 31st August 2022: Please send copies of the sites Accident Management Plan (AMP) and Fire

Prevention Mitigation Plan (FPMP) and any supporting documentation for these procedures. Due 9th September 2022.

On the 12th of September Biffa stated that the site does not have a fire prevention plan, but in its place has the following documents,

- GF09-06 DSEAR explosion protection document v 6 July 2022
- GF09-07 Emergency Services Pack
- GF17-01 Emergency Plan Cardiff
- FSC1745 Biffa Cardiff DSEAR 16-03-2022
- FSC1745 Biffa Cardiff FRA 01-21

The documents were reviewed and Biffa were issued with the following action,

Action 1: Biffa 16/09/2022: Biffa is to produce a site-specific Fire Prevention and Mitigation Plan (FPMP) for the Curran Embankment site, taking into consideration all the requirements set out in the guidance document – Guidance NO. 16 Fire prevention and mitigation plan Waste Management. Due 31/10/2022.

The following reply was received from Biffa on the 31st of October 2022.

“Biffa’s understanding and interpretation for a site to be required to implement a FPMP is in relation to a non haz waste transfer station where a significant volume of combustible wastes are held onsite. Cardiff Transfer Station (Curran Embankment) mainly accepts hazardous waste as such we believe that the implementation of health and safety guidance such as HSG 51, HSG 71 and other relevant documentation have safety measures that exceed the requirements laid out in the FPMP guidance. The main areas these health and safety guidance documents cover is around the safe handling, segregation, storage and containment of hazardous chemicals therefore in our opinion superseding any further guidance and further mitigating the requirement for an FPMP.

The requirement for an FPMP is mainly focused around the collection of;

- Mixed packaging
- Textiles
- Metals
- Plastics
- Tyres
- WEEE
- Wood
- Bulky Waste
- Paper and Cardboard

As a hazardous waste operation the levels of combustible waste collected as above are minimal with the exception of WEEE waste, most of the plastics, paper and cardboard onsite are generated during our bulking and processing activities.

The above statement correlates with the FPMP we have submitted for Lamby Way bearing in mind the guidance lays out that the 3 principal aims of a FPMP is to;

- minimise the likelihood of a fire happening -
- aim for a fire to be extinguished within 4 hours
- minimise the spread of fire within the site and to neighbouring sites

As stated above we believe we achieve this by implementing alternative measures such as;

- *Volumes of combustible waste streams covered by an FPMP at very low*
- *WEEE waste is palletised or contained in a cut top IBC therefore easily removed in the event of a fire*
- *Our paper/carboard always has a secondary containment method eg skip we need store bales or stock pile*
- *ATEX zoned plant equipment due to the site containing DSEAR zones we must prevent any source of ignition to a flammable vapour*
- *IR monitoring of combustible waste streams for example oily rags, organic peroxides"*

It's appreciated that FPMP guidance is aimed at non-hazardous waste and doesn't cover the requirements of flammable material (flashpoint of 60°C or lower) or combustible liquids and gasses and hazardous wastes (excluding any hazardous wastes to which the guidance applies, as set out in the guidance). It's also understood that the Biffa Cardiff transfer site predominately deals with hazardous wastes, with these wastes contributing to the majority of the waste accepted on site. However, as stated in NRW's FPMP guidance, the guidance applies to operators who store **any amount** of combustible waste materials.

Although the site doesn't primarily accept the waste streams as listed in Biffa's response, the Cardiff site is permitted to accept all these forementioned waste streams with an allowance of 4999 tonnes of non-hazardous waste per annum. The site received 1104.5 tonnes of non-hazardous waste in 2021, which included the waste streams covered in the FPMP guidance. As such, the FPMP requirements are required at the Biffa Cardiff site, given the actual and potential for quantities of combustible wastes on site.

Although Biffa implement the relevant legal requirements such as HSG 51 and the DSEAR regulations, and these will certainly aid in fire prevention, there is no mention of the measures Biffa have in place to detect, suppress, mitigate, and contain fires within the sites AMP should a site wide fire occur. Nor is there any mention of the actions to take during or after a fire, such as contingency plans and site decontamination measures.

Biffa have stated that fire suppression systems are being considered at a group level, but with the planned closure and relocation of the Curran Embankment site, it's unlikely that this equipment will be implanted at the site. Biffa have also stated that trials for a remotely monitored fire detection system are currently being conducted at a site in Wellham Green and will be rolled out across the business pending the success of the trial.

NRW take into consideration that closure and relocation of the site is likely to occur in the near future, and the additional cost and burden on implementing fire detection and suppression systems may not be a proportional option given the relatively short timescale they would be in use. However, fire prevention and mitigation is a priority compliance topic for the waste sector. With no FPMP procedure and with no certainty that current procedures cover all the requirements of the FPMP, and with likelihood of an uncontrolled fire to spread to involve the entire site – as stated in the DSEAR risk assessment (FSC1745 Biffa Cardiff DSEAR 16-03-2022). Biffa will need to produce a document to demonstrate the equivalence of their arrangements to the requirements of the NRW FPMP guidance. Providing equivalence can be demonstrated then NRW will accept the alternative arrangements Biffa have in place of a FPMP. The guidance Biffa have referenced in their response is the Environment Agencies Fire Prevention Plan (FPP) Guidance and not NRW's FPMP guidance, please ensure you refer to the correct guidance. Please See Action 1.

Consideration needs to be given for procedures during and after an incident. This includes the management of firewater, although the site operates with sealed drainage and an interceptor tank, the risk of the system being overwhelmed needs to be considered. If the interceptor tank capacity is exceeded, the pathway and receptors need to be identified and controls put in place to mitigate potential impacts. Biffa may want to consider having an agreement in principle in place with DCWW, to allow excess firewater to be discharged to

sewer. Other options include the use of tertiary containment or the deployment of booms to capture firewater runoff. Procedures for safe removal and disposal of firewater captured this way would need to be implemented. The estimated quantity of water that would be required to douse a site wide fire would provide a useful guide to the containment requirements. Ultimately the operator is responsible for assessing appropriate and suitable measures to satisfy these requirements.

Procedures should be in place to notify potentially sensitive receptors of a smoke plume, the sensitive receptors currently listed in the 'GF09-07 emergency services information pack' should be re-evaluated and updated. Given the relatively dense urban environment surrounding the installation a comprehensive list of all receptors would not be practical, however, the most sensitive / vulnerable receptors should be identified, such as schools and nursing homes etc, and notification procedures put in place.

Action 1- Biffa 20th of January 2023. Please produce a document that demonstrates the equivalence of Biffa's current arrangements to the requirements of the NRW FPMP guidance. **Due the 28th of February 2023.**

Annual Reporting

The emissions to sewer form S1 reporting the pH results for 2022 was received on the 19th of January 2023. All results were within specified limits and no pH probe time reported for this year.

Biffa reported a total of 1978.25 Tonnes of hazardous waste inputs, and 902.6 Tonnes of non-hazardous inputs for the 2022 reporting period. No hazardous waste was treated on site. No contamination or decontamination reported for 2022.

All reports are complaint and are accepted.

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.