

Compliance Assessment Report CAR_NRW0041698

Permit being assessed: CB3398ZF.

For: Forward Waste Management East Moors Road Hazardous Waste Transfer Station,
held by Forward Waste Management Ltd
At: 122-128 East Moors Road, Cardiff, CF24 5EE.

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

On 20/04/2023.

Parts of permit assessed: Waste Returns

NRW Lead Officer: Dale Padfield.

Report sent to: Brett James, SHEQ Manager on 20/04/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C3 - General Management - Materials acceptance	C3 Minor	2.3.2(a)
C3 - General Management - Materials acceptance	C3 Minor	2.3.2(a)
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1

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

Total number of non-compliances recorded	Total non-compliance score
3	12

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
C3	Ensure only permitted waste streams are accepted onto site. Please see Action 1 in main body of report.	18/05/2023
C3	Ensure only permitted waste streams are accepted onto site. Please see Action 1 in main body of report.	18/05/2023
C2	Please see action 1 in main body of report.	18/05/2023

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

Forward Waste Management Limited

EPR/CB3398ZF

Forward Waste Management Limited (FWML) submitted their quarter one (January to March) 2023 waste returns on the 17th of April 2023. The following wastes were identified to have been accepted by FWML, however FWML are not permitted to accept these waste codes as they are not listed within schedule 2 of the permit.

- 04 02 21
- 08 01 99
- 08 02 99
- 10 11 03 (two consignments)
- 12 01 03
- 15 01 01

Wastes with the above European Waste Catalogue (EWC) codes relate to absolute non-hazardous waste types and the total quantity accepted by site was less than one tonne. A minor non-compliance score will be issued for this permit breach.

Non-compliance: A category 3 minor non-compliance score is issued for accepting non-permitted waste streams in quarter one of 2023, this is breach of permit condition 2.3.2(a). **It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit. Non-compliance score 3.**

A mistake has been made in my assessment of the quarter four 2022 waste returns. In CAR_NRW0041030 it was stated that all EWC codes were compliant, it would appear I had assessed the 'waste removed' entries and not the waste received entries. Having re-assessed the waste returns the following unpermitted EWC codes were identified as waste received.

- 06 08 99
- 06 13 02
- 11 01 99
- 15 01 06
- 15 01 01 (two consignments)

These EWC codes related to a mixture of hazardous and non-hazardous wastes, with a total quantity of approximately 2.5 tonnes. As these non-permitted waste streams were accepted in quarter four of 2022 a separate minor non-compliance score will be issued for the breaching the permit in that quarter.

Non-compliance: A category 3 minor non-compliance score is issued for accepting non-permitted waste streams in quarter four of 2022, this is breach of permit condition 2.3.2(a). **It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or**

emission limit. Non-compliance score 3.

This non-compliance score should have been applied to the compliance band rating for the 2023 – 2024 billing period, however given the delay in identifying the breach, the score will now contribute to the 2024 – 2025 compliance band rating and billing period.

When a permit breach occurs, it is important the root cause of the issue is identified to prevent re-occurrence. Non-compliance is often a symptom of poor management by the operator. In this instance, the management system should include robust acceptance procedures to prevent acceptance of non-permitted waste. A total of thirteen non-permitted waste consignments have been accepted on to site comprising of ten different EWC codes. Acceptance procedures have failed to stop non-permitted waste being accepted onto site, as such a minor non-compliance score will be issued for a management system failure.

Non-compliance: A category 3 minor non-compliance score is issued for failure of the management system to adequately implement waste acceptance controls, resulting in unpermitted waste being accepted on to site, this is a breach of permit condition 1.1.1. **It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit. Non-compliance score 3.**

Action 1: 20th of April 2023 - Forward Waste Management Limited: Investigate why FWML acceptance procedures failed to identify and stop the acceptance of the non-permitted waste. Use the results of the investigation to implement any changes required to the acceptance procedures to prevent further breaches. Please submit your findings and intentions to NRW. **Due 18th of May 2023.**

EWC code 15 01 01 was submitted with the following description within both the quarter four 2022 and quarter one 2023 waste returns, “205L Empty Oil Drums - Renolin Ro 100”. However, EWC code 15 01 01 is described in the ‘List of Waste’ (LoW) as ‘paper and cardboard packaging’. As such it would appear these consignments of waste have either been mis-described or assigned an incorrect EWC code.

Action 2: 20th of April 2023 - Forward Waste Management Limited: Investigate the discrepancy identified with the consignment of EWC code 15 01 01. Please submit your findings to NRW. **Due 18th of May 2023.**

In quarter one 2023 0.02 tonnes of waste with EWC code 08 02 99 was received however, 0.456 tonnes were removed from site. There doesn’t appear to be any further entries of EWC code 08 02 99 within the previous waste submissions.

Action 3: 20th of April 2023 - Forward Waste Management Limited: Please investigate why the additional 0.454 tonnes of waste with EWC code 08 02 99 has not been recorded as waste received with the waste returns. **Due 18th of May 2023.**

FWML should consider varying their permit to include additional EWC codes if they wish to accept waste streams not currently permitted.

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.