

Compliance Assessment Report

Report ID:
CAR_NRW0034792

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

Site	Cardiff Waste Management Resource Centre NRW/EPR/SP3031SJ/V002	Permit Ref	SP3031SJ		
Operator/Permit holder	Biffa Waste Services Ltd				
Regime	Installations				
Date of assessment	17/12/2018	Time in	11:00	Out	13:00
Assessment type	Audit				
Parts of the permit assessed	Waste Classification and others				
Lead officer's name	Griffiths, Toby				
Accompanied by					
Recipient's name/position	Alex Gee/ Site Manager	Date issued	07/03/2019		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. 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
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
C2 - General Management - Management system and operating procedures	X	
C4 - General Management - Storage, handling labelling and Segregation	A	
E4 - Emissions - Sewer	A	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	A	

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.
A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,
O = Ongoing non-compliance, not scored.

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

Site Visit of 17th December 2018 and desk based audit of Hazardous Waste Assessment

1. Business update

Site location change

The planning application for the new site on Lamby Way has been submitted. The site is located on an existing industrial park and close to Parc Tredelerch. The northern boundary is the main railway line, and beyond lies a residential area. NRW has not yet been approached for formal pre-application discussions for the new permit as Biffa want to go through the planning process first. More input will be given by NRW once Biffa are closer to submitting a permit application. The railway line does not appear to be on an embankment and will therefore not act as an acoustic barrier. Given the proximity of a residential area, the potential for noise was raised, and it is recommended that mitigation for any dominant sound sources is built into the site design. One potential improvement would be for any site traffic to use "white noise" reversing alarms. These are less intrusive off-site than the traditional tonal alarms. It was encouraging that the outline design shows the skip storage area at the part of site furthest from the residential area. There have been some concerns raised by residents regarding the new site and Biffa has been in discussion to address these. The indications are that the new site is unlikely to be built for up to 2 years. Biffa confirmed that the new site will be designed and built to the latest standards. The Waste Treatment BREF was released in October 2018, and the new site will need to meet the BAT conclusions contained within. Access to the current site has been rationalised, with part of Curran Embankment road being closed off with gates. This has reduced flytipping and improved security. Access is now via Curran Road. Sadek Akbar was reported to be half way through WAMITAB Level 4. Paul Rann and Alex Gee both have COTC. Sadek will act as deputy.

2. Progress with ongoing actions and previous CAR.

Ref 1: Oily rags checks. A temperature monitoring regime has been implemented. Records of these checks were seen, added to the daily check sheets. This item is complete, and there was evidence of good record keeping.

Ref 3: Drum crushing. The procedure was sent via email, which stated that only clean drums are to be crushed. Opportunities for re-using drums and other containers are already considered by Biffa. The new site may include improved crushing facilities, with an LEV (fume extraction) system for any potentially contaminated containers.

Ref 4: MCERTS: Biffa confirmed that the new site would have MCERTS monitoring equipment if monitoring is required.

Ref 5: Site Closure Plan: An updated plan was submitted via email. It was recommended that the plan is reviewed again once there are firm plans to close the site.

3. Audit topic – hazardous waste assessment with reference to WM3 and the new HP14 classification.

An audit of Biffa's arrangements for classifying hazardous wastes in relation to HP14 (ecotoxic) was undertaken. This type of audit is also being carried out at sites in the chemical sector, therefore it was deemed logical to review a waste receiving site, as well as the producing sites.

During the site tour, 4 waste consignments were identified as having a HP14 code. These were:

1. MSA091001 (coolant)
2. CM0281121B (oil)
3. MMG180902 (oil)
4. APL171016 (healthcare)

After the visit, Biffa were asked to supply the following information for each item:

- A copy of the consignment note(s) associated with each item
- A copy of the analysis for each component, or other evidence e.g. MSDS, rationale e.g. use of R codes, or other information source e.g. CLP.
- The calculations associated with determining that the wastes are HP14 (via H4xx codes).

The audit then focussed on the process of classifying the wastes, including the methods used (analysis type), and documents referenced such as the CLP.

Audit Details:

Information received from Operator via email of 18th January 2019 in relation to the 4 items requested:

1. MSA091001 (coolant)
 - a. Originally received from Top drawer as 4 x 25l and subsequently bulked together, item described as Diluted lathe coolant (page 2, 4th waste stream from top)
 - b. Con note = CAF896/00005
 - c. MSDS attached –Rocol Multisol
 - d. Hazardous by HP14 due to mineral oil content (Section 3.4 (a) WM3 further guidance on assessment)]

NRW Comments:

EWC 12 01 06 mineral-based machining oils containing halogens (except emulsions and solutions which is defined as absolute hazardous. This appears to be the correct EWC code.

SDS defines as diluted lathe coolant, containing mineral oil <20% and chlorinated paraffin 2.5-5%.

Section 2 of the SDS shows Rocol Multisol as having a CLP hazardous statements of H319 and H315. Other information section states H412 additionally.

HP412 links to HP14. Mineral oil content of >1% cut off for calculation. HP412 content is >1% but below 25% threshold, therefore may not be HP14. However, as a worst case it is reasonable to class as HP14.

This Assessment deemed to be correct.

2. CM0281121B (oil)
 - a. Originally received from Corin Medical in November as bagged plastic swarf c/w oil (page 3 1st waste stream), excess oil drained into 205l drum, swarf material sent for onward disposal.
 - b. Con note = CORINM/00072
 - c. MSDS attached – Q8 Dynobear
 - d. Hazardous by HP 14 due to mineral oil content (Section 3.4 (a) WM3 further guidance on assessment)

NRW Comments:

EWC: 17 02 04 (mirror haz), (glass, plastic and wood containing haz) but possibly either Chapter 12 or 19 02 09 (solid combustible wastes containing hazardous substances) would be more relevant. However,

there is not clear choice of code, therefore the assessment is deemed acceptable.

The Q8 Dynobear has an old SDS without sufficient info to determine the hazard properties. Newer versions on the web indicate some H400 series codes.

The same calculation as above of >25% if only one H code or sum of other H codes. This assessment is deemed to be correct. There is a query regarding the classification of the swarf material, which was sent for disposal as non-hazardous. It would be useful to know the assessment process used to determine that this portion was deemed to be non-hazardous. [Action 1]

3. MMG180902 (oil)

- a. Originally received from Corin Medical in September as bagged plastic swarf c/w oil (page 2 2nd waste stream), excess oil drained into 205l drum, swarf sent for onward disposal.
- b. Con note = CORINM/00066
- c. MSDS attached – Q8 Dynobear
- d. Hazardous by HP 14 due to mineral oil content (Section 3.4 (a) WM3 further guidance on assessment)

NRW Comments:

As Above. The consignment is the same material.

4. APL171016 (healthcare)

- a. Received from AAH pharmaceuticals in October as Hazardous healthcare drum SOU142 (page 5 1st waste stream)-waste contains mixture of smalls including Milton Sterilising tablets
- b. Con note = AAHPHA/00280
- c. MSDS attached –Milton tablets
- d. Hazardous by HP14 due to the Milton sterilising tablets having a hazard statement of H400 and a concentration of up to 30% and is therefore above the 25% concentration limit.
- i. Waste which contains one or more substances classified as aquatic acute assigned the hazard statement code H400 in accordance with Regulation (EC) No 1272/2008 and the sum of the concentrations of those substances equals or exceeds the concentration limit of 25 %. A cut-off value of 0,1 % shall apply to such substances.
- ii. $[\sum c (H400) \geq 25 \ %]$

NRW Comments:

EWC: 16 03 05 (mirror haz). (Organic wastes containing haz substances). Section 3 of SDS shows H400, H410, H411 H400 is over 25% therefore Hazardous by HP14. Section 2 shows H411, Section 3 shows H400 and H410. The assessment is deemed correct.

Other notes:

Consignment note AAHPHA/00280 has time missing from Carrier's and Consignor's certificates. This should be remedied on future consignments.

Action 1: Please confirm how the swarf material of batch ref: CM0281121B was deemed to be non-hazardous, including the assessment process used.

4. Site Tour and Conclusion

A site walkover was undertaken, which included the main waste storage bays and yard areas. Signage on the bays appeared to be in good order. Bay 7 has a small hole in the roof, which is due for repair. The pH monitoring on the discharge was seen and within limits. Some of the bays were full, although the yard itself was fairly clear as Biffa are expecting a busy period. There also did not appear to be any significant

aged stock, which was encouraging. There was some standing water in the bays due to recent extreme heavy rain. The flammables bay contained a consignment of sodium hypochlorite waste. This was immediately moved to the correct bay. No other significant issues were seen. The main focus of the visit was the consignment audit in section 3. No other issues were found. There is 1 Action.

END

EPR Compliance Assessment Report

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Operator/Permit holder	Biffa Waste Services Ltd	Date	17/12/2018

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			
C2	X	Please confirm how the swarf material of batch ref: CM0281121B was deemed to be non-hazardous, including the assessment process used.	29/03/2019

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 report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen 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.