

Compliance Assessment Report CAR_NRW0042231

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: Site Inspection,

Reason: Routine.

On: 13/07/2023 between 10:00 and 11:00.

Parts of permit assessed: Waste acceptance .

NRW Lead Officer: Dale Padfield, accompanied by Craig Coleman.

Report sent to: Brett James, SHEQ Manager, on 01/08/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2C - Operations - Operating techniques	C3 Minor	2.3.2(b)
IR1A - Management - General management	C3 Minor	1.1.1

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

Total non-compliances recorded	Total non-compliance score
2	8

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
IR2C	Ensure waste accepted on to site conforms to the pre acceptance documentation. EWC codes should only be changed if activities on site change the chemical, physical or biological properties of the waste.	Already completed
IR1A	Ensure staff are suitably trained.	Already completed

Compliance 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

This compliance assessment report (CAR) details Forward Waste management limited (FWML) response to actions issued in CAR_NRW0041698, correspondence with the installation regarding potential issues identified within their response to the actions and the subsequent site visit that took place on the 13th of July 2023. A summary of the Quarter 2 (April – June) 2023 waste returns review is also included.

Response to actions from CAR_NRW0041698

The actions are listed below for ease of reference,

Action 1: *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.*

Action 2: *Investigate the discrepancy identified with the consignment of EWC code 15 01 01. Please submit your findings to NRW.*

Action 3: *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.*

Response to action 1 – Of the 15 unpermitted waste consignments accepted by FWML (as detailed in CAR_NRW0041698) FWML identified eight that had been provided an inaccurate or incorrect EWC code by the customer. The consignments with an EWC code stated at 150101 were due to a keyboard administrative error and the remaining unpermitted wastes were accepted due to FWML not cross-referencing the permitted waste codes during waste acceptance.

Response to action 2 – As stated above, the discrepancy was due to a keyboard error. FWML are implementing a new waste management software system that should prevent re-occurrence of such errors.

Response to action 3 – FWML stated that this was an administration error, and the consignment should also have been recorded as waste received. FWML have implemented a new procedure to cross check all returns data before it is submitted.

As a result of the responses received from FWML, an email was sent on the 25th of May 2023 requesting

further information, a summary of the request is given below.

1. *Could you provide more detail on the review process that led to the conclusion that these wastes were incorrectly coded, and how the correct EWC codes have been determined?*

It is concerning that of the thirteen consignments that were reviewed, eight have been assessed as incorrectly coded but the acceptance procedures failed to identify and prevent the acceptance of these consignments.

2. *Have FWML investigated why the acceptance procedures failed to identify these wastes as being incorrectly coded?*

Several of the wastes have been accepted as non-hazardous but your review has concluded them to be hazardous,

3. *How did this affect the storage arrangements once they were accepted onto site, would they have been incorrectly stored due to the miscoding?*

4. *What was the fate of these consignments? Have they been moved on to the next recovery or disposal activity, and was this the correct recovery or disposal activity?*

FWML response to the above, email dated 07th of June 2023.

1. FWML stated that the EWC codes were reviewed against the waste classification guidelines (European waste catalogue) along with their understanding of the process generating the waste streams.
2. FWML stated that due to changes in the hazardous waste transfer team during quarter four 2022, the pre-acceptance procedure was not fully followed by new members of staff. Staff have now been retrained in the procedures, including the waste booking form – requiring the waste producer to submit a full list of EWC codes before a quotation can be provided. This is also being audited by the SHEQ manager.
3. FWML stated that wastes were correctly stored in the appropriate bays following the physical and technical assessment and associated MSDS's.
4. FWML stated that 9 of the wastes had since left the installation and transferred to appropriately licensed facilities. Four of the wastes were remaining at the installation. FWML also provided the consignment / transfer notes for the wastes, and a table extracted from their waste tracking system providing an overview of several waste streams.

Some concerns were raised from statements provided within the 'waste status summary table'. Two of the wastes, 'satin glass fibre fabric' and 'Alloy-04' had their EWC codes changed. One change was made by the chemist, having identified a code to better suit the waste and the other stated that the change was made at the request of the disposal site. In both cases the EWC code should not have been changed. It is the legal responsibility of the waste producer to apply a suitable code and accurate description to a waste. The operator of a facility that receives this waste cannot change the code on receipt of the waste. If any subsequent potential holders of the waste believe that it has been mis-coded, they should not accept the waste. Wastes that are not subject to any treatment that changes the essential physical, biological, or chemical properties

of the waste, will retain the same LoW codes as when the waste was originally collected.

FWML's review of the unpermitted waste codes concluded that a high percentage of these wastes were allocated an incorrect EWC code. This conclusion, along with the fact that FWML have been changing EWC codes would indicate that permit condition 2.3.2(b) has been breached. FWML have accepted waste that did not conform to the documentation provided by the producer. These wastes should have been rejected as per FWML's own acceptance procedures. The following non-compliance will be issued for the acceptance of these wastes.

Non-compliance: A category 3 minor non-compliance score is issued for accepting waste that did not conform to the documentation provided by the producer, this is a breach of permit condition 2.3.2(b). **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.**

Further this this, several wastes described as 'empty drums' had their EWC code changed from 15 01 01 to 20 01 40, with the reason stated as 'rinsed and recycled'. As stated in the email reply sent to FWML on the 06th of July 2023, packaging waste (chapter 15) cannot legally be classified under chapter 20 01, as this chapter excludes waste packaging.

As indicated by FWML response to the email dated 25th of May 2023, operations staff not fully following the FWML acceptance procedures was the likely cause of the above non-compliance. With the root cause identified as insufficient training for new members of staff. Beyond this, the hazardous waste transfer station is a newly permitted installation and some mistakes have been made its application of the relevant guidance, NRW believe these have been honest mistakes, with no intent to operate in breach of the permit. The following non-compliance will be issued for the root cause of the permit breach.

Non-compliance: A category 3 minor non-compliance score is issued insufficient training of staff, resulting in mismanagement of waste, and inappropriate changing EWC codes. 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.**

Site Visit – 13th of July 2023

Attendance –

NRW: Dale Padfield, Craig Coleman

FWML: CEO – Lyndon Ward, SHEQ Manager – Brett James, Technical Manager – Lewis Bligh, Operations Manager – Carl Facer.

A site visit was conducted on the 13th of July 2023. The focus of the visit was to discuss concerns NRW had surrounding the changing of EWC codes, and the possibility of an unpermitted activity being conducted, namely the washing or cleaning of hazardous packaging. An NRW hazardous waste regulation officer, Craig Coleman, accompanied the installation regulation officer Dale Padfield to the installation to conduct a hazardous waste audit. The audit included an onsite inspection and an off-site audit of consignment notes. The reports for both audits will be sent separately as attached documents to this CAR.

NRW were concerned that FWML were in breach of their permit by conducting an unauthorised activity. This suspicion was formed due to statements provided in the aforementioned 'waste status summary table' provided in FWML email response on the 07th of June 2023. The summary table indicated that wastes listed as EWC codes 150110 had been changed to chapter 20 codes, with the reason sated as 'rinsed and recycled'. Cleaning, washing, or rinsing hazardous waste packaging is not authorised under the FWML EPR permit. FWML also stated within their permit application, document titled 'ECL.010.02.01EPTR Issue 2' in two sections, 4.3.4 and 10.1.3, that no cleaning activities would be conducted at the installation.

Discussions on site confirmed that FWML were not and have not conducted any such activities on site. As seen during the site inspection, there are no facilities to accommodate such an activity. FWML stated that the statements in the 'waste summary status table' were erroneous and did not reflect actual activities conducted on site. FWML should ensure any statements made within their records accurately reflect site operations.

Changing of EWC codes was discussed, FWML asked if waste is sorted, can separate EWC codes be applied. To clarify on this, if fractions of waste are sorted then these may be designated an alternative EWC code – following the coding guidance. However, this generally only applies if the received waste is a 'mixed' waste and fractions are sorted from this waste. It shouldn't apply if a waste is discovered within a consignment that would be more appropriately coded differently to its original assigned code, in this instance, if a waste is deemed to have an incorrect description / or code then the rejection procedure should be initiated.

Designating chapter 15 wastes as chapter 20 wastes was discussed, FWML are now aware that this cannot legally be done and will ensure compliance with this requirement.

FWML CEO gave an overview of the FWML operations, including selection of clients, their methods appear to allow them to have more control over the accepted waste streams, with the aim of preventing non-conforming waste. Expansion of site operations was also discussed. FWML have no immediate plans but described how they may look to explore opportunities to expand the services they provide and how this may require a permit variation. If at any point FWML do consider expanding operations and are unsure what the permit implications are, please contact NRW, as we can provide advice and guidance and indicate if a permit variation would be required.

Following the above discussions, a site inspection was conducted. The site was clean and tidy, all wastes appeared to be stored in the appropriately labelled bays. The condition of the impermeable surface looked to be in good condition throughout the site. The WEEE storage unit was opened with the WEEE waste seen to be appropriately stored. There were no non-compliances seen at the installation during the visit.

Part of FWML planned preventative maintenance is to conduct 6 monthly inspections of their subsurface tertiary containment tank. SHEQ manager stated that this was recently conducted, which included a CCTV survey of the tank. No issues detected and the tank remains fully operational. Reports are available but were not requested by NRW.

Generally, the activities on site appear to be well managed. No further actions will be issued as the non-compliances that have been identified have been dealt with efficiently by the operator. FWML have addressed the root cause of any non-compliances and have amended procedures and issued further training to staff.

FWML are reminded to ensure that EWC codes are not incorrectly changed, and acceptance procedures correctly identify when a waste should be rejected. To note, there are specific guidelines to follow when rejecting hazardous waste. Guidance is available on the NRW website, FWML should ensure this guidance is followed and the operating procedures accurately reflect this.

Quarter 2 (April – June) 2023 Waste returns

The waste returns were received by NRW on the 28th of July 2023. All the EWC codes for waste received are compliant with the permit.

To note, three consignments with EWC codes, 12 01 04, 06 01 99 and 08 01 99 appeared in the reported removed waste. These have not appeared in the waste received in this or previous submissions and are not permitted waste streams within the permit. However, no further non-compliance score will be issued. As the operator has addressed the issues identified within this CAR, namely the incorrect re-assigning of EWC codes, the three consignments above are likely a symptom of those issues and occurred before the actions detailed in this CAR took place. Any future non-compliances of this nature will be subject to non-compliance scoring and further investigation.

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.

If your assessment result in Section 1 is suspended, what does this mean?

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 compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.