

Natural Resources Wales permitting decisions

Biffa Waste Services Limited

Decision Document

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Substantial Variation

The substantial variation number is: [EPR/RP3733PC/V011](#)

The applicant /operator is: [Biffa Waste Service Limited](#)

The Installation is located at: [Trecatti Landfill Site, Fochriw Road, Merthyr Tydfil, Glamorgan, CF48 4AB.](#)

We have decided to issue a substantial permit variation for the Trecatti Landfill Site operated by Biffa Waste Service Limited.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Receipt of Application

Application receipt and duly making

The Application was accepted as duly made on 14 March 2019. This means we considered it was in the correct form and contained sufficient information to begin our determination, but not that it necessarily contained all the information we would need to complete that determination.

Consultation

The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6, *High Profile Sites*, our Public Participation Statement and our Working Together Agreements.

A copy of the application and all other documents relevant to our determination (see below) are available for the public to view. Anyone wishing to see these documents could arrange for copies to be made.

We sent copies of the application to the following bodies, which includes those with whom we have “Working Together Agreements”:

- Merthyr Tydfil County Borough Council Planning
- Merthyr Tydfil County Borough Council Environmental Health
- Public Health England
- Public Health Wales

These are bodies whose expertise, democratic accountability and/or local knowledge make it appropriate for us to seek their views directly.

The initial consultation period started on 11 April 2019 and ended on 14 May 2019. The decision consultation period started on 26 June 2019 and ended on 24 July 2019. An advert was placed on our publicly available website during consultation.

Further details along with a summary of consultation comments and our response to the representations we received can be found in Annex 1. We have taken all relevant representations into consideration in reaching our determination.

Operator

We are satisfied that the operator, Biffa Waste Services Ltd, will have control over the operation of the Installation after the grant of the permit. The decision was taken in accordance with EPR RGN 1, *Understanding the Meaning of Operator*.

The Installation

The Installation is subject to the Environmental Permitting Regulations (EPR) because it carries out an activity listed in Part 2 of Schedule 1 of the EPR:

- Section 5.2 Part A(1) (a) The disposal of waste in a landfill.
- Section 5.3, Part A(1) (a)(ii) Recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico chemical treatment.
- Section 5.4 Part A(1) (a)(i) Disposal of non-hazardous waste in a facility with a capacity exceeding 50 tonnes per day by biological treatment.
- Section 5.6, Part A(1) (a) Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes.

An Installation may also comprise of “directly associated activities”, which at this Installation includes:

- Burning of waste as a fuel
- Landfill gas flaring

- Effluent discharge to sewer
- Water discharges to controlled waters
- Fuel storage
- Storage of other raw materials including lubricating oils and antifreeze
- Production and storage of waste oils
- Recovery of waste for restoration above the landfill cap
- Multipurpose waste treatment and remediation pad.

The site

The operator has provided a plan in the application which we consider satisfactory, showing the extent of the site of the facility including the location of the part of the Installation to which this permit applies on that site. A plan is included in the permit and the operator must carry out permitted activities within the site boundary.

What the Installation does

Biffa Waste Services Limited operates a landfill site at Merthy Tydfil, Glamorgan, CF48 4AB. The site has been subject to a permit since 2005 and is currently authorised to accept up to 625,000 tonnes per annum of non-hazardous solid wastes, 50,000 tonnes per annum of asbestos containing waste, and 30,000 tonnes per annum of wastes for the Multipurpose Waste Treatments and Remediation Pad Facility. The permit also includes a Standard Rules set (SR2012 No8) allowing for the composting of less than 75,000 tonnes per annum of green waste.

The permitted total waste input of the site, that incorporates all permitted waste types, is not to exceed 675,000 tonnes per annum.

Key Issues in the Determination

The operator has applied for a substantial permit variation for the inclusion of an Asbestos Picking Station and associated European Waste Codes (EWC) to accept and process up to 25,000 tonnes per annum of asbestos containing soils (contaminated with or without hydrocarbons) and asbestos contaminated construction/demolition waste to complement existing operations.

Additionally, the operator also has requested an administrative amendment to correct an error identified between two previous EP variations, i.e. (EPR/RP3733PC/V008 and V009) regarding permitted nitrous oxide emissions limits specified in Table 3.2 of the EP.

Environmental Risk Assessment

Based upon the supporting documentation provided in the application for this substantial variation that includes, *Best Available Technique and Operating Techniques (Version No. 1, March 2019)*, *Asbestos Management Plan for the Treatment of Asbestos Containing Soils (ACS) at the Trecatti STF (January 2019)*, and *Environmental Risk Assessment (Version 1, March 2019)*, we are satisfied appropriate measures will be in place to prevent pollution of groundwaters, surface waters, land (soil) as well as mitigation methods to prevent fugitive emissions.

This section describes potential emissions from the proposed Asbestos Picking Station and the associated operations and highlights the pollution prevention methods and Best Available Techniques (BATs) proposed by the operator as detailed in the supporting documentation of the application.

Air

Based upon the information in the application, it is not considered the addition of the Asbestos Picking Station and the associated operational activities will increase the overall risk of air emissions beyond current permitted limits. We have also reviewed the risk of potential fugitive emissions, these are discussed later within this decision document.

Water

There will be no point source emissions to surface waters, groundwaters or to sewer from operations relating to the Asbestos Picking Station. The Asbestos Picking Station will be located on an impermeable surface located above the stable reactive cell to the south of the landfill area onsite. All drainage from the Asbestos Picking Station will be collected in a sump and transferred to the permitted Multipurpose Waste Treatments and Remediation Pad (MWTRP) for treatment prior to appropriate discharge or removed off-site to prevent discharge or an uncontrolled release.

Soil and Site Condition Report (SCR)

There will be no direct deposits to land of untreated wastes from the Asbestos Picking Station. Non-hazardous/hazardous waste soils will either be used immediately, or after required treatment at the MWTRP will be covered daily or disposed of within the permitted landfill subject to approved quality testing by the operator. Picked asbestos materials will be disposed of within the permitted asbestos cell of the landfill while soils containing asbestos that fail fibre testing will be re-processed or deposited within the asbestos cell.

The operator has provided a Site Condition Report, *Trecatti Landfill Site Multipurpose Waste Treatment and Remediation Pad and Asbestos Picking Station Site Condition*

Report – Version 2, that describes the condition of the land onsite at the time of the permit variation application. The SCR was prepared in accordance with the Environment Agency's (EA) H5 Guidance Note (version 3) on SCRs.

We consider the SCR satisfactory in support the permit variation application. The decision was taken in accordance with our guidance, *Guidance for Applicants H5 Site Condition Report - Guidance and Templates (version 5)*.

Noise

Based upon the information in the application, we are satisfied that appropriate measures will be in place to help prevent additional significant noise to receptors.

Supporting document, *Environmental Risk Assessment (Version 1, 2019)*, considers noise at receptors within 1 km of the permitted site boundary from the proposed Asbestos Picking Station and concluded there will be no significant impact to surrounding human receptors from its operation.

As part of the site Environmental Management programme, site operational noise is monitored regularly. Proposed noise mitigation methods include, an engineered enclosed conveyor system within the picking station, minimisation of drop heights from the picking line to locked skips, regular maintenance of machinery and the use of mobile plant that complies with limit levels defined by the EC Directive 86/662/EEC and subsequent amendments.

Fugitive emissions including asbestos

Based upon the supporting information in the application, we are satisfied that the appropriate measures will be in place to prevent, manage and minimise fugitive emissions to groundwater, surface waters, land (soil) and air.

The Asbestos Picking Station will be operated per the *Asbestos Management Plan for the Treatment of Asbestos Containing Soils at the Trecatti STF (January 2019)*, the operator's company Integrated Management System, BATs and associated operating procedures. Processing of Asbestos Containing Soils (ACSs) at the Asbestos Picking Station that including unloading, treatment, and validation testing will be conducted under an asbestos Safe System of Work (SSoW), *Safe System of Work for Asbestos Containing Soils Treatment (issue No 1)* in-line with the *Control of Asbestos Regulations, 2012 (CAR 2012)* to protect human health and mitigate potential fugitive emissions.

Waste ACSs will arrive onsite via a truck with a suitable cover to prevent the release of potential asbestos fibres during transportation. Before processing, unloaded ACSs will be constructed into a stockpile(s) and again covered. ACSs with a moisture content of 5 to 10% are understood to pose a low risk due to their damp unprocessed nature and are deemed unlikely to generated fugitive airborne fibres. During operations, the moisture content of ACSs will be monitored regularly by the operator and dampened with clean water if tested to be less than 10% to be conservative.

The operator will conduct air monitoring for potential fugitive airborne asbestos fibres that may be generated during handling and treatment of ACSs. Representative air monitoring will be conducted during different operational sequences of the Asbestos Picking Station. Background monitoring will also be conducted as part of the

operator's sampling strategy. The operator's air monitoring plan and sampling strategy are detailed in Section 4, *Airborne Asbestos Fibre Monitoring Plan* of the operator's Asbestos Management Plan. Air monitoring will be conducted in-line with the CAR 2012 and the Health & Safety Executive (HSE) Guidance HSG248, *Asbestos: The analysts' guide for sampling, analysis and clearance procedures*.

All equipment used to manage ACSs will be decontaminated after each use using a low pressure washdown as detailed in operator's asbestos SSoW. Washdown waters will be passed through a 1-micron filter to remove any potential asbestos fibres before entering the site water treatment facility. Site operatives who have been in contact with ACSs are required to pass through a Personal Protective Equipment (PPE) transition zone. Upon exit, personnel must remove used PPE. Used PPE will be doubled bagged using appropriately labelled asbestos bags and placed into secured covered skip(s) for proper off-site disposal via a licensed contractor.

Mitigation of potential fugitive emissions to ground and surface waters will also include the use of hardstanding under all chemical/oil storage areas and daily inspections by competent operatives of stockpiles, the treatment pad, storage tanks and associated bunded areas. All bunded areas will be appropriately engineered to accommodate at a minimum 110% of the volume of the tank that is bunded.

Potential dust emissions will be mitigated through BATs that include using wet suppression methods in dry weather conditions before and during operations and keeping vehicle loads covered/enclosed while in transit.

The Permit Conditions

Updating permit conditions during consolidation and waste types

We have updated previous permit conditions to those in the new generic permit template as part of permit consolidation. This substantial variation includes the following additions and amendments to Environmental Permit EPR/RP3733PC/V010,

- The inclusion of a new conditioned activity to Table S1.1, *Activities (reference A3)*, accepted waste types to Table S2.6, *Permitted Waste Types for the Asbestos Picking Station* and limits to new Table S1.4, *Annual Waste Input Limits*, to cover waste accepted at the Asbestos Picking Station and associated operational activities to process asbestos contaminated soils and construction wastes.
- The addition of European Waste Codes (EWC) to Table S2.4, *Permitted Waste Types for Disposal in the Asbestos Cell*, to allow the transfer of soils from the Asbestos Picking Station to the onsite asbestos cell.
- The addition of associated EWCs to Table S2.5, *Permitted Waste Type for the Multipurpose Waste Treatment Facility*, to allow acceptance of soils from the Asbestos Picking Station to the Multipurpose Treatment Facility.
- Administrative change to Table 3.2, *Point Source Emissions to Air – Emissions Limits and Monitoring Requirements*, to correct an emissions limit error that had manifested between versions 008 and 009 of the permit EPR/RP3733PC. In Table 3.2, oxides of nitrogen from the Gas Utilisation Plant for emission point reference locations T2G2, T2G3,

T2G4 and T2G5 (reference T2G5 supersedes T1G2 in version 010 due to an administrative error) have been reinstated to 500 mg/m³.

The existing permit EPR/RP3733PC/V010, already contains permitted waste types, descriptions and specified quantities that can be accepted at the regulated Installation. These include asbestos wastes for the permitted landfill cell (Table S2.4) that include construction and demolition wastes (including excavated soil from contaminated sites) under the European Waste Code 17 criteria that can be accepted and processed at the Asbestos Picking Station. The addition of the new EWCs referenced above to Tables S2.4 and S2.5, will allow these wastes to be moved onsite from the Asbestos Picking Station to the Multipurpose Treatment Facility for treatment, or to the permitted asbestos cell for proper disposal.

We are satisfied the operator can accept, manage and mitigate potential environmental impacts with the inclusion of the proposed Asbestos Picking Station and the associated operations. Therefore, we consider the overall risk from site operations is unlikely to increase as a result of this variation.

Incorporating the application

We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.

These descriptions have been updated to include this substantial variation and are specified in Table S1.2, *Operating Techniques* of the permit.

Environmental Management System (EMS)

We are satisfied the operator has adequate EMS arrangements in place to adequately mitigate and manage environmental risks from the proposed Asbestos Picking Station. This decision was taken in accordance with RGN 5 on Operator Competence.

The Trecatti Landfill site is accredited ISO 14001 (Environmental Management) that is implemented through the operator's company Integrated Management System that is compatible with ISO 9001 (Quality), OHSAS 18001 (Health and Safety) and ISO 14001.

Financial provision

The financial provision arrangements satisfy the financial provisions criteria for this substantial variation to the permit.

OPRA

The OPRA score at permit issue is 195.

ANNEX 1: Consultation Responses

A) Advertising and Consultation on the Application

During the determination, the application has been previously advertised and consulted upon in accordance with Natural Resources Wales Public Participation Statement. The way in which this has been carried out along with the results of our consultation and how we have taken consultation responses into account in reaching our draft decision are summarised in this Annex. Copies of all consultation responses have been placed on Natural Resources Wales public register.

1) Consultation Responses from Statutory and Non-Statutory Bodies,

Response Received from: Public Health Wales on May 01, 2019 during the initial consultation period. No additional responses were received during the decision consultation period between June 26 to July 24, 2019.	
Brief summary of issues raised: Public Health Wales in their consultation response letter dated May 01, 2019 concluded, <i>"We have no grounds for objection based upon the public health considerations contained within the application."</i> The following recommendations were made in their consultation response, • The operator holds an accredited Environmental Management System. • Potential dust and odour hazards are controlled by permitted waste acceptance criteria and that a dust management plan is implemented to control fugitive dusts.	Summary of action taken / how this has been covered. • The Trecatti landfill site is accredited with ISO 14001 (Environmental Management) and operates under a company Integrated Management System. • Waste acceptance criteria are controlled and regulated through permitted operations. Fugitive emissions are controlled by Best Available Techniques and site procedures that include dust suppression methods that would apply to the Asbestos Picking Station operations.

2) Consultation Responses from Members of the Public and Community Organisations,

a) Representations from Local MP, Assembly Member (AM), Councillors and Parish / Town / Community Councils

Response Received from: No responses were received during the initial or decision consultation periods.	
Brief summary of issues raised:	Summary of action taken / how this has been covered

b) Representations from Community and Other Organisations

Response Received from: No responses were received during the initial or decision consultation periods.	
Brief summary of issues raised:	Summary of action taken / how this has been covered

c) Representations from Individual Members of the Public

Response Received from: No responses were received during the initial or decision consultation periods.	
Brief summary of issues raised:	Summary of action taken / how this has been covered