

Compliance Assessment Report

Report ID:
CAR_NRW0026356

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	07/09/2016	Time in	10:00	Out	12:20
Assessment type	Audit				
Parts of the permit assessed	See main text				
Lead officer's name	Griffiths, Toby				
Accompanied by					
Recipient's name/position	Paul Rann/ Site Manager	Date issued	20/09/2016		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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	
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	X	
C4 - General Management - Storage, handling labelling and Segregation	A	
D2 - Incident Management - accidents, emergency and incident planning	A	
E4 - Emissions - Sewer	A	
G3 - Monitoring and Records, Maintenance and Reporting - Maintenance records	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

Visit of 7th September 2016

Seen: Paul Rann (PR)

1. Business update

a) Site location change

The move to a site on Lamby Way is still planned, however PR is not aware of any clear timescale as many of the arrangements are being made by the site developer, rather than Biffa. The need to surrender the permit for Curran Embankment and apply for a new permit for the Lamby Way site was discussed. Biffa are likely to operate both sites in tandem, while the new site is fully commissioned. It was noted that both permit surrender and new application would both need to be undertaken by Biffa (as the operator) and not the developer.

b) Progress with training of deputy COTC

John Hannah is close to completing his accreditation as COTC. This is encouraging, though it is disappointing that process appears to be slow. NRW recommends that sufficient time and resources are given to enable staff to complete their development goals. This is also a consideration under permit condition 1.1.1(b).

c) EMS – ISO14001 certification

Biffa has a group EMS accredited to ISO14001, covering a number of sites. Regular external audits are undertaken by NQA and the last surveillance audit for Curran Embankment was on 9th October 2014. A copy of this audit report was seen and used as an indicator of compliance. Overall, the report did not detect any significant issues. However, there were a number of recommendations by NQA which NRW discussed with PR as follows. The emergency plan did not include:

- flooding and heavy rain scenarios
- the action to shut off the site discharge valve in an emergency
- testing of emergency procedures
- some missing pH checks during the daily walk round

Some of these points have now been remedied in the site "Incident Management Plan" 13/07/2016. Testing of the plan is included on the SHEQ agenda for the year. However, it was still not clear under what scenarios the discharge valve should be shut off in an emergency. This should be clarified. **[Action #1]**

NQA also gave credit for the system of internal Biffa audits and referred to the NRW CAR forms from 18/06/2014 and 05/09/2013, noting the non-compliances and the actions to rectify them. The internal audits were stated to be carried out around 4 times per year, however it was not possible to find an example during the visit. **[Action #2]**

Some examples of the daily walk round check sheets were seen. These included a note of the pH measurement, which indicates that the records have improved since the audit. However, when the pH was out of specification e.g. below pH6, the operator had not recorded anything in the comments. NRW considers that it would be beneficial to include comments when the pH is out of the specified range, to show that action is being taken to rectify the issue e.g. having the tank emptied. **[Action #3]**

2. Progress with on going actions

The actions agreed during the previous visit were reviewed. All were satisfactory with the following comments:

The quarterly updates of aged stock is to recommence from the next quarter. **[Action #4]**

A DSEAR review has been completed which is more recent than the one received previously. It would be useful to see this.

[Action #5]

The storage of aluminium and steel aerosols has been reviewed in house and is deemed to be acceptable by Biffa.

b) Infrastructure maintenance

Due to the move to a new site, no major infrastructure changes are planned on site. However, a project engineer is reviewing the arrangements to ensure integrity is maintained.

c) Signage

Bay signage has been improved since the last visit. This is commended.

3. Site closure plan, PC. 2.7.2

Permit condition 2.7.2 requires that a site closure plan is maintained. Given the short time left at the current location, it is recommended that Biffa reviews the plan to ensure it is fit for purpose. PR was not aware of a recently reviewed plan and needed to check with other colleagues **[Action #6]**.

4. Site Tour

A site tour was undertaken. It was noted that there was significantly less waste on site, meaning that the bays and yard areas were not over-crowded. This has allowed improved management of stored wastes. The reason given for the reduction was the use of other Biffa sites in the group to reduce pressure on the Cardiff site.

Surfacing and bay containment appeared to be in order. Segregation of materials was good. The acid and alkali bays are now labelled as such, rather than the generic "corrosive." Bay labelling overall was much improved. The shredder bay walls at the access point had previously been damaged by site traffic. These have been replaced with heavy duty rubber barriers which alert fork lift truck drivers to the presence of the bay sump. The pH meter was reading 6.46 which was within permit limits. Overall housekeeping appeared to be good and certainly an improvement over the last visit.

During the tour, an item of waste was selected for checking. Ref: ABD060937, IBC of acid degreaser.

The site records and consignment note # 687/29866/1/5 was checked and appeared to be in order. Comprehensive details of the item were available, including hazard data sheets. The EWC code was listed as 11 01 13* which appears to be correct.

No significant issues were found, however some actions are listed below:

5. Actions

Action #1: Please clarify under what scenarios the discharge valve should be shut off in an emergency, and confirm that procedures have been updated.

Action #2: Please send a copy of a recent internal audit

Action #3: Please consider including comments on the daily check sheet when the pH is out of the specified range

Action #4: Please continue the quarterly aged stock updates starting from the next quarter.

Action #5: Please forward a copy of the latest DSEAR assessment.

Action #6: Please forward a copy of the latest Site Closure Plan.

Please provide a response to the comments by **14th October 2016**.

EPR Compliance Assessment Report

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Site	Cardiff Waste Management Resource Centre NRW/EPR/SP3031SJ/V002	Permit Ref	SP3031SJ
Operator/Permit holder	Biffa Waste Services Ltd	Date	07/09/2016

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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 refer to the main text body for a list of actions.	14/10/2016

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