

Compliance Assessment Report

Report ID:
CAR_NRW0032804

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

Site	Cardiff Energy Recovery Facility	Permit Ref	LP3030XA			
Operator/Permit holder	Viridor Waste Management Ltd					
Regime	Installations					
Date of assessment	30/01/2018	Time in	10:00	Out	13:00	
Assessment type	Audit					
Parts of the permit assessed	As indicated in this Report					
Lead officer's name	Griffiths, David					
Accompanied by						
Recipient's name/position	Mr Gwyn Jones/ HSE Manager	Date issued	06/02/2018			

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
A1 - Specified by permit	A	
C2 - General Management - Management system and operating procedures	A	
D1 - Incident Management - Site security	A	
E1 - Emissions - Air	A	
F1 - Amenity - Odour	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	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

Routine Site inspection with Mr Gwyn Jones – HSE Manager

Hydrogen Chloride (HCL)

Discussed further the Hydrogen Chloride Elevated Emission Value (ELV) on the 18th December 2017. We have reviewed your responses to our questions on the 18th January 2018 and we require further clarification as you stated that the exceedance was due to the amount of plastic in the waste stream:

1. How much more plastic was there at this time compared to “normal” operations? - **Viridor reply** - *The amount of plastic that is on the grate at any one time is unable to be quantified (please also see the answer to Q5 below).*
2. Was the abatement fully operational at this time? - **Viridor reply** - *Yes. The Control Room undertook the correct steps to retrieve the situation by reducing waste throughput and increasing lime dosage.*
3. Surely the abatement is capable of adjusting / coping with changes in the waste stream? - **Viridor reply** - *Yes, under day to day operations the abatement technology is capable with of dealing with the plants emissions.*
4. Did any other ELV's increase during this time? - **Viridor reply** - *All other parameters remained below ELV thresholds, there was a small increase in the ½ hourly SO₂ data for the period under consideration (SO₂ peaked at 51.48mg/m³ when the limit is 200mg/m³).*
5. What procedures are you going to implement to prevent re-occurrences, as this kind of situation could arise again? - **Viridor reply** - *Since the event all shift team leaders and their teams have been reminded that comprehensive and complete mixing of the waste is required to obtain a homogenous mix before placement of the waste upon the grate.*
6. Do you need to make changes to the abatement systems as this exceedance has highlighted a problem? **Viridor Reply** - *No, the management team here at Trident Park are confident that this HCl exceedance is a one-off event that will not under normal circumstances reoccur.*

Further to the above responses submitted to NRW by email on the 18th January 2018, NRW still require further explanation as detailed below:

1. As the SO₂ levels rose as well this does suggest that high input load of HCl may have been the cause, but it could also mean that SO₂ is abated preferentially and the increase was due to high sulphur loading. Is this possible? – **Action Viridor**
2. What is the design acid gas input load for the lime abatement system and what is the credible maximum load associated with worst-case waste input composition? - **Action Viridor**
3. Why was operator action insufficient to prevent a breach of the ELVs? Was there a delay in acting, what control alarms are provided to alert operators to an emerging acid gas emissions problem? - **Action Viridor**
4. What dose rate of lime was in use before the event occurred and what is the maximum available dose rate? What dose rate did the operators use and when during their response to the event? - **Action Viridor**

NRW need to understand how you operate this abatement and whether there is scope to improve operation and control as we are currently not convinced that the grab just simply had too much plastic in it at one time. As we have noted during inspections that the majority of the time the grab is on automatic mode and selects and grabs waste based on a pre-set program and surely the waste is homogenous in

nature anyway. You must also note when we are satisfied that a detailed response has been submitted to NRW fully understanding the reason and root cause for this increased ELV a Permit non-compliance will be issued for this event.

Permit Non-Compliance Scoring for Emissions to air

Further to previous correspondence last year regarding the scoring of non-compliances and the information Viridor provided to NRW that demonstrated that the increased emission did not impact on the AQS and was negligible. NRW were initially of the opinion that it should be a CCS3 Score non-compliance due to the number of CO Breaches and HCL Breaches. However, we concluded on that occasion a CCS4 will be issued.

Therefore, for consistency throughout Industry regulated sites in the UK and in the Waste Incineration Sector we are in the process of discussing consistent CCS scoring of these similar non-compliances with other UK Regulators.

Please note NRW will not be revisiting the non-compliances in the CAR form issued on 28th September 2017 (Report ID: CAR_NRW0032019) but are mindful of being consistent with other regulated sites and sectors. Therefore, our regulatory position may change with any similar future non-compliances.

Permit Variation

Further to your Email dated the 23rd January 2018- relating to two specific tables within Schedule 3 of the Trident Park permit (V003, dated 2 March 2017).

Viridor believe Tables S3.1 and S3.4 don't fully align. You believe the misalignment occurs within the rows that consider HF and dioxin /furan. Table S3.1 states quarterly and Table S3.4 states 6 monthly.

Previous Permits stated that HF and dioxin/furan would change to being monitored on a 6 monthly basis after a certain period of operation had been completed. Even though Trident Park is now out of this initial period S3.1 of the current permit has kept the monitoring frequency of HF and dioxins/furans as quarterly.

The position that both the HF and dioxin/ furan rows within S3.1 should be 6 monthly is supported by the observation that the monitoring frequency of these compounds within S3.4 is correctly given as 6 monthly and the same test method is stipulated in both tables (BS EN 1948 1-3).

As such Viridor would like to apply for an administrative variation in due course.

NRW have noted your concerns detailed above and hopefully we can address these issues when we receive your Permit Variation application.

As you are aware the improvement conditions were also left out in error during the last variation, so we are mindful to rectify this too during this variation. We do however note you are still submitting reports required by these conditions.

Improvement Condition (IC3)

IC3	<p>The operator shall submit a post-commissioning report to Natural Resources Wales which shall include:</p> <ul style="list-style-type: none">- a review of performance of the facility against the conditions of this permit.- details of optimisation of emission abatement systems including reagent dosing rates.	Within 4 months of completion of commissioning
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	- details of procedures developed during commissioning for achieving and demonstrating satisfactory process control.	
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Further to your submission on the 4th September 2017, NRW are requesting that you also submit a non-technical summary to accompany this document. The submission just had the raw data from the consultant and we require a more detailed explanation specifically on the findings and addressing the headings detailed in the improvement condition.

Site Inspection

General walk around the installation, lime abatement silo, reception hall, weighbridge and control room – No issues identified at time of inspection except for the review of ongoing maintenance required on tipping hall doors due to optical sensors becoming dirty and not operating as expected.

On discussion and viewing data from the events on the 18th December 2017 in the control room. It was noted that also at the time of this event the screw was at 100% feeding lime to abate the HCL emission. Please can you provide data to support this and what was the lime dosage at this time, was it also at maximum ? - **Action Viridor**

Operator Monitoring Assessment (OMA)

Further to this inspection the above Audit will now take place on the 14th February 2018

Actions

NRW requires a report detailing all the actions highlighted above by Friday 23rd February 2018

EPR Compliance Assessment Report

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Operator/Permit holder	Viridor Waste Management Ltd	Date	30/01/2018

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.

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			

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.