

## Compliance Assessment Report

**Report ID:**  
**CAR\_NRW0020650**

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

Site	Atlantic Recycling Limited	Permit Ref	PP3993VS			
Operator/Permit holder	Atlantic Recycling Limited					
Regime	Waste Operations					
Date of assessment	06/06/2016	Time in	15:45	Out	16:45	
Assessment type	Site Inspection					
Parts of the permit assessed	Regulation 37 and site					
Lead officer's name	Danter-Hill, Gareth					
Accompanied by	Moggridge, Lara					
Recipient's name/position	John Edwards/ Compliance Director	Date issued	06/09/2016			

### 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
A1 - Specified by permit	A	
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	C3	1.1.4
C2 - General Management - Management system and operating procedures	C1	1.1.1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C2	1.1.1
E1 - Emissions - Air	A	
E3 - Emissions - Surface water	C3	3.1.2
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
F5 - Amenity - Deposits on road	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.

<b>Number of breaches recorded</b>	<b>4</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>99</b>
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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 was attended by Gareth Danter-Hill and Lara Moggridge and were met onsite by David Neal, Phil Ridley and TCM John Edwards. The weather was dry and sunny. The purpose for the visit was to assess works carried out against the Regulation 37 Notice that is in force and to check whether the Notice can be withdrawn, this will be done if NRW are satisfied that sufficient works have been carried out to minimise the risk on site as far as limiting it to field 1.

### **C1-Management-Staff competency/training. Category 3 breach against permit condition 1.1.4**

This breach has been scored because, despite a request and a breach of permit within CAR form 30347/0250120, no copies of WAMITAB certificates have been provided to NRW for the TCM at site.

**ACTION:** Please provide the certificates (original award and continuing competency) for the nominated TCM for site.

### **C2-Management-Management Systems & Operating procedures. Category 1 breach of permit condition 1.1.1**

This breach has been identified as the root cause for the breaches and issues across the site. Incompetent waste management and implementation of the EMS held for site continues. Due to this NRW have issued both a Regulation 37 Notice and a Regulation 36 Notice for improvements across the site.

Waste stockpiles across the site are substantial and cannot be classed as being temporarily stored pending recovery. Wastes from stockpile 1 material that may remain on site have been stored here from as early as 2009 (confirmed by correspondence from RPS). The baled RDF has been stored on site since 2012 while the loose shredded material has been on site for approximately 12 months. This long term storage of waste is evidence of a poorly run waste facility.

**ACTION:** Ensure that effective implementation of the management system occurs across the site and that waste is removed and managed in a way that is efficient and so avoids long term storage.

### **C4-Management-Storage, handling, labelling and segregation. Category 2 breach against permit condition 1.1.1**

This breach has been scored for the length of time waste has been stored on site. This is specifically related to the loose and baled RDF across the field 1 area of the site. The management system held for the site states that these wastes will not be stored for periods longer than 6 months. The FRS are also of the opinion that the storage of waste for periods of time in excess of 6 months increases the risk of fire through spontaneous combustion and so creates a risk of pollution to the environment.

**ACTION:** Remove all the waste that is stored on site for longer than 6 months. This is a requirement under

the Regulation 37 Notice with a deadline of 14<sup>th</sup> September 2016.

### **E3-Emissions-Surface water. Category 3 breach of permit condition 3.1.2 table S3.2**

This breach has been scored for the recently submitted surface water monitoring of SW15. A reading of 1.52mg/kg was reported against a trigger level of 1mg/kg. NRW find this somewhat concerning as there currently is no waste either being treated or stored in this area yet through sample analysis of the sump that was used to collect the leachate of stockpile 1, high readings were also obtained by both NRW and Atlantic. This suggests that the contamination resultant from the illegal storage of stockpile 1 within this area is still migrating through the made ground into the surface water collection points and potentially the ground water.

**ACTION:** Please explain why this reading has been found within the SSSI ditch at SW15.

### **Other points to note:**

The first area of inspection was the field 1 area. Atlantic Recycling were tasked with cutting fire gaps through the waste piles T2, T3 and T4. NRW can confirm that on inspection of the site, this has been completed satisfactorily. The risk of fire on site has now been contained within the field 1 area of site and so the Regulation 37 Notice has been withdrawn. The Withdrawal Notice was issued to Mr David Neal on site.

A new Regulation 37 Notice was issued at the same time as the withdrawal notice. The new notice was to suspend all activities within the field 1 area of the site so that waste cannot be accepted onto this area until the notice has been complied with. Treatments have been allowed to continue within this area of the site to enable Atlantic Recycling to comply with the requirements of the notice i.e. the removal of all waste on field 1 before 14<sup>th</sup> September 2016.

It is of note that the storage of waste that are part of the RDF process are not permitted to be stored outside of a building prior to treatment, in addition, the treatment of this waste must also be undertaken within a building. NRW at this point are not breaching this against the permit in an attempt to be reasonable to allow for compliance against the notice.

When on site NRW questioned the fines that are still within the transfer station area of the site as we were previously told and witnessed these fines being produced as a result of the treatment of stockpile 1 waste. This was commented upon within CAR\_NRW00017497. There was an action within this CAR form that is outstanding and so will be added to this CAR for completion. David Neal informed NRW that these fines were on site before Christmas, this is something that NRW know not to be true as they were seen to being produced previously on site. NRW are of the opinion that these fines are resultant from Stockpile 1 waste and have not been removed from site.

**ACTION:** Could you please provide details of how the wash plant processes the MRF fines and what happens to the separated fractions post washing?

**ACTION:** Could you please provide a total tonnage and a representative sample of waste transfer notes for the removal of fines from site to Neal Soil Suppliers.

A Regulation 36 Notice has also been served on Mr Neal requiring the improvement of infrastructure within the tarmac area of the transfer station. The permit requires that any area that is to be used for the storage and treatment of waste needs to be impermeable with a sealed drainage system. The works have been committed to be completed by Atlantic before the 31<sup>st</sup> January 2017.

## **Suspended Scores**

Under the Regulation 37 Notice served on the 17<sup>th</sup> December 2015 the permit has been breached and these breaches suspended 6 times (2 Category 1 breaches and 4 category 2 breaches). NRW have decided in the interest of fairness to keep these scores suspended. The breaches for the risk of leachate due to poor infrastructure will remain suspended due to compliance against certain steps within the Notice served. The breaches for the fire risk across the site, despite the risk remaining within field 1, will also remain suspended and so will not count towards the overall compliance score of the site. The breach of permit within this CAR form under sub-criterion C2 and C4 (and associated risk) will be scored and not suspended under the new notice served on 6<sup>th</sup> June 2016 as NRW feel that this is a continuation of the breaches within the previously served notice and so scoring with recommence.

## **Site meeting**

The new notices were accepted by Atlantic Recycling and fully explained by NRW officers. NRW also informed Atlantic that the submitted waste reduction plan was accepted and that NRW will monitor progress against it.

Atlantic proposed a future working model that would enable active engagement between the 2 parties. NRW agreed to this if Atlantic feel that it would benefit compliance. NRW did point out however that if future non-compliance or illegal activity occurs then enforcement action will follow. NRW are willing to work with Atlantic on timescales etc for compliance but that accountability and responsibility for compliance is ultimately with Atlantic recycling as the permit holder.

Within a meeting in the offices of Atlantic Recycling David Neal agreed to a drone volumetric survey being carried out across both Neal Soil Suppliers and Atlantic Recycling.

## EPR Compliance Assessment Report

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Operator/Permit holder	Atlantic Recycling Limited	Date	06/06/2016

### 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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

### 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			
C4	C2	Remove waste in accordance with R37	14/09/2016
C2	C1	Provide evidence of how the site plan to improve	01/07/2016
C1	C3	Provide evidence of compliance	17/06/2016
E3	C3	Investigate the cause of pollution	01/07/2016

## 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](mailto: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.