

Compliance Assessment Report

Report ID:
CAR_NRW0000142

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	17/03/2016	Time in	09:40	Out	10:45
Assessment type	Site Inspection				
Parts of the permit assessed	Reg 37 and SP1				
Lead officer's name	Danter-Hill, Gareth				
Accompanied by	Moggridge, Lara,Haf Peskett,Legal Representatives				
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	
B1 - Infrastructure - Engineering for prevention and control of emissions	C2 - Suspended	2.1.1
C2 - General Management - Management system and operating procedures	C1 - Suspended	1.1.1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C2 - Suspended	1.1.1
E1 - Emissions - Air	A	
E2 - Emissions - Land and groundwater	C2	3.1.1
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	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.

Number of breaches recorded	4	Total compliance score (see section 5 for scoring scheme)	31
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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

NRW officers Gareth Danter-Hill, Lara Moggridge, Haf Peskett and legal representatives attended site and carried out an inspection of the field 1 area, the tarmac area and the area where stockpile 1 was stored. NRW were unaccompanied for the inspection.

This CAR form also covers a visit that was undertaken on 18th March 2016 when NRW officers Gareth Danter-Hill and Eleanor Davies attended site to take a sample of the leachate seen off the side of the tarmac, a sample of the SSSI ditch at SW15 and a sample of the sump used to collect water and leachate from the Stockpile 1 storage area. Lloyd Howells was in attendance and took samples of his own.

Breaches against sections B1, C2 and C4 of this CAR form remain suspended as they are linked to the compliance of the Regulation 37 notice currently in place and served on Atlantic Recycling Limited. The detail for these breaches can be seen within CAR 30347/0255226.

E2-Emissions-Land and groundwater. A category 2 breach against permit condition 3.1.1 has been scored.

This breach has been scored for the pollution of land throughout the area where waste was stored for approximately 5 years without any of the required infrastructure, this waste pile is known to site and NRW as stockpile 1. The visit that was carried out on 17th March 2016 displayed signs of leachate collection within the 'sump' in the stockpile 1 area. Officers returned the next day with sampling equipment and tested the water within the sump. Upon return of the results from the lab, a reading of 8.845mg/kg for Ammoniacal Nitrogen. Waste was removed from this area throughout November-December 2015 approximately 4 months before the sample was taken. This is extremely concerning as the sample shows that leachate pollution has occurred in this area and it is still flowing through the ground and collecting in the relatively shallow sump.

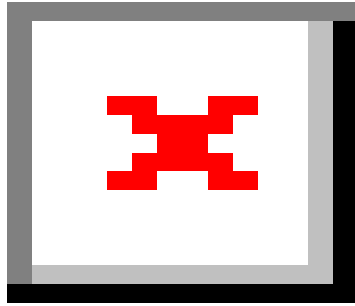
Permit condition 3.1.1 states that:

'There shall be no point source emissions to water, air or land except from the sources and emissions points listed in schedule 3 tables S3.1, S3.2 and S3.3.'

In addition to this, a recent RPS log of trial pits and testing results also showed pollution of the ground by way of poor quality made ground fill material. It has been noted that varying levels of solid contaminations such as plastic and metals were identified at depths throughout the area. Oil contamination has also been identified which will need to be excavated and treated as potentially hazardous depending on sample results.

ACTION: The area of land that was used to store the waste pile known as stockpile 1 needs to be remediated. This area needs to be excavated and only when water samples return over an agreed period of time as being clear of leachate and polluting materials can the area be filled in once more to allow infrastructure to be constructed within this area. Please see the e-mail sent to Phil Ridley on 19th Feb 2016 for reasons why NRW are not happy that the land can be left in its current state and that the land needs to be properly assessed before remediation works.

Notice of Powers and Rights 1145 is issued with this CAR form for the photos and the samples taken.



Other points to note:

Leachate was seen to be flowing off the sides of the tarmac area once again and pooling on the made ground. Leachate was also seen pooling across large areas of the tarmac and not flowing to the drainage system on site.

Cracks and surface break up across the concrete on field 1 could also be seen with leachate pooling across large areas. These areas in some cases had cracks running through the leachate presenting a pathway for potential pollution once more.

EPR Compliance Assessment Report

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Operator/Permit holder	Atlantic Recycling Limited	Date	17/03/2016

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 line with reg 37 notice	14/09/2016
C2	C1	Improve operations and comply with permit conditions	29/04/2016
B1	C2	Remove waste from tarmac area	14/09/2016
E2	C2	Remediate the area in question below where SP1 was stored	31/05/2016

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.