

Compliance Assessment Report

Report ID:
CAR_NRW0026432

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	20/09/2016	Time in	10:30	Out	11:30	
Assessment type	Site Inspection					
Parts of the permit assessed	R37 Compliance					
Lead officer's name	Danter-Hill, Gareth					
Accompanied by	Su Fernandez					
Recipient's name/position	John Edwards/ Compliance Manager	Date issued	13/10/2016			

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	X	

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

The site was attended by Gareth Danter-Hill and Su Fernandez from NRW and representation was made by Phil Ridley for Atlantic recycling. No breaches will be scored against the permit for this inspection as it has been just 3 weeks since the last scoring visit.

The reason for the inspection on site was to assess compliance against the Regulation 37 Notice currently in place on site. The Regulation 37 Notice was to be complied with by the 14th September 2016 and the requirements were to remove all waste over 6 months old that are being stored on the field 1 area of the site.

The first area of the site to be inspected was the field 1 area itself, it was apparent that the shredded waste volumes have been removed from this area but the baled wastes remains in large quantities. This is disappointing to see as it appeared that little/no effort had been made to remove this section of the waste. The baled waste formed part of the Regulation 37 Notice as a large proportion of it has been on site since 2012/13 and the remaining waste for in excess of 12-18months. I questioned the lack of removal on site and was told that the bales had not been removed at all, just re-stacked.

The submitted waste reduction plan that aimed to breakdown waste removal from site included the baled waste also, the figures submitted for the final waste removal from site totalled 20,222T against the target of 26,980.

Unfortunately the Regulation 37 notice has not been complied with and the risk to the environment remains on site with the baled quantity of waste. Therefore as a result the Regulation 37 Notice will remain in place until the bales are removed from site and taken to a facility licensed to accept them. For the removal of the bales the date of 31st January 2017 was proposed, I confirmed with Phil Ridley this date, and it was agreed that the bales could be removed by the 31st January 2017.

When on this area of the site, yet more repairs were being made to the cracks across the surface. NRW were informed that the material was supposed to be a more flexible mix to allow for the movement of the surface. Unfortunately when on site we noted a crack of several metres long and several mm in width running through the new repair work, confirming that this method is also not appropriate to ensure that the surface is impermeable.

At this point Phil Ridley was informed that NRW are considering enforcement action surrounding the concrete of field 1 and that no waste should be stored on it until told otherwise by NRW as the surface is not compliant with the permit conditions. Phil agreed to this request but also expressed concerns over this as the space is needed due to the transfer station being at capacity. NRW found this surprising as just 3 weeks before this inspection the transfer station was managing with waste volumes.

The amount of waste within the transfer station has increased substantially since the last inspection 3 weeks previous to this one. The waste appeared to be of the same type and composition to that of the waste stored within field 1. NRW questioned this on site as the transfer station is now full of shredded waste, outside of the permit conditions. NRW requested a breakdown of all waste accepted onto site since the bank holiday and by-type. The waste that was being tipped at the front end via articulated lorry was notably different in colour suggesting that the waste being stored in the transfer station was a lot older than newly accepted waste.

Fire gaps were once more an issue on site across much of the waste within the transfer station. This is frustrating as NRW expressed concerns surrounding this recently in a CAR form.

No breaches have been scored within this CAR form as the purpose was to assess compliance with the Regulation 37 Notice. As a visit was carried out recently, the breaches and action within this previous CAR form are still relevant.

EPR Compliance Assessment Report

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Site	Atlantic Recycling Limited	Permit Ref	PP3993VS
Operator/Permit holder	Atlantic Recycling Limited	Date	20/09/2016

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.

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			
A1	X	The removal of the waste required under the r37 notice currently in place	31/01/2017

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.