

Compliance Assessment Report

Report ID:
CAR_NRW0023774

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	11/07/2016	Time in	10:30	Out	12:00	
Assessment type	Site Inspection					
Parts of the permit assessed	Operations					
Lead officer's name	Danter-Hill, Gareth					
Accompanied by	Bowder, Alex,Andy Hallum (CAPITA)					
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	2.1.1
B4 - Infrastructure - Containment of stored materials	A	
	C4	2.1.1
C2 - General Management - Management system and operating procedures	C2	1.1.1; 2.1.1;
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C2	2.1.1
D1 - Incident Management - Site security	A	
D2 - Incident Management - accidents, emergency and incident planning	C2 - Suspended	1.1.1
F2 - Amenity - Noise	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	5	Total compliance score (see section 5 for scoring scheme)	93.1
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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 Alex Bowder of NRW and they were accompanied by Andy Hallum of CAPITA. Representation of Atlantic Recycling was by compliance director John Edwards. The weather was sunny, dry and windy. The inspection being carried out was for CAPITA to assess the concrete surface of field 1, this is the visit from a third party engineer that Atlantic Recycling were forewarned about in CAR 30347/0255226 (January 2016).

Field 1

This is the area of the site that required inspection by the engineer. As all parties walked across the surface numerous and in depth conversations were held between CAPITA, NRW and Atlantic Recycling that detailed the poor condition of the concrete surface, the curing times and factors that affect it, pooling leachate and water across the surface as well as the composition and methods of construction.

There were numerous cracks that were identified as we walked across the surface, some of these cracks were bigger than any that had previously been seen. Unfortunately a few of these cracks measured approximately 2-3cm wide by several metres long and were full of leachate. As the cracks were so large and had a polluting liquid within them, this poses an increased risk to environment.

Also noted within this section of the visit was the high levels of leachate across the concrete. This liquid is not flowing freely across the surface and so is not being collected within the sealed drainage system, this is an increased problem as the surface on which it is pooling is not impermeable and so may lead to an escape of polluting liquid into the environment.

In addition to this, it was noted that significant volumes of shredded waste fines were being stored between the 2013 and 2015 bales on this area of the site. The fire gaps have been closed off and the shredded waste is now being stored within a metre and in some cases potentially touching the baled waste eradicating any fire gaps.

NRW agreed to withdraw the original suspension notice when the risk of fire was reduced by installing fire gaps within the waste. NRW would not expect that the fire gaps would be filled in or waste moved to close them off. This has increased the risk on this area of the site once more.

Finally, a H&S implication was highlighted on site. One of the baled stacks has collapsed within the field 1 area. This could have had severe implications for any persons walking in this area at the time. Many of the bale stacks are leaning as a results of the waste being stored for so long and breaking down within the bale. NRW would suggest that you look at the bale stacks and take action to prevent any further collapses.

Transfer station

The inspection then progressed to the transfer station where the engineer did not join us as this was outside of his remit on site.

When on the tarmac area it could be seen that the bales were being stacked and in 2 different colours. This was to be expected as this was agreed within the WRP submitted. However, NRW were surprised to see that the bales were being dated as 2016 waste. Despite the bales being created in 2016, the waste within them is clearly not 2016 waste and so NRW feel this this is not a true reflection of the content of the bale. At this point NRW were informed that the colour wrap being used for the old waste has now run out and Atlantic are struggling to get a supply once more. Therefore the same colour wrap is being used for the old and new waste to ensure production continues. The Compliance director who accompanied NRW around the site could not answer why the baled waste was dated as 2016.

NRW would like to remind Atlantic that the acceptance of the agreed WRP was key in the decision to withdrawing the Regulation 37 Notice. If the same colour wrapping is to be used for the old and new wastes this would lead to the old waste becoming indistinguishable from the new.

An e-mail received from Phil Ridley on 21st June 2016 detailed the colours of the bales to be used for the old (white/pale) and the new wastes (green). On site, it was clear that a much more significant quantity of the waste on site was old. NRW are extremely concerned about the lack of distinction between the old and new bales as this may compromise compliance with the notice come September and urge Atlantic to improve operations.

NRW have since the visit received an e-mail from Phil Ridley who confirms that:

"With regards to the bales and the wrap and your conversation with John; yes we are having issues trying to obtain the different coloured wraps for the older/ new wastes as indicated in the WRP, and now it has got to the point that we are only able to secure a single colour. Unfortunately that is the same colour that the existing older waste is wrapped in.

That said, we don't see this as a huge issue as obviously all the existing older waste is still on the concrete in field 1 and all the baled fresh waste is in the tarmac in the transfer station.

To further simplify matters, we are now only baling fresh material, so there is no conflict between the old and new wastes being wrapped in the same colour and being co-mingled. We anticipate that we will be able to continue exclusively baling fresh material in this fashion up to the 14th September deadline, with all the older wastes going out loose

I would reiterate that all older waste baled since 14th June has now left the site.

I appreciate this procedure does deviate from the proposals made in the WRP, but we have little choice; you are welcome to inspect the bales in the transfer station at any time and we would be happy to split a couple at random should you have doubts of our veracity."

This situation is agreeable with NRW but would like to stress that if baling of the old waste begins once more that NRW are informed before it happens so that an action plan for waste separation can be agreed.

Also within this section of the site, operations were fully active once more. At this stage waste stockpiles were being managed as there was very little waste on site at all. There was a large pile of fines materials on the tarmac with some small piles of wood and plasterboard, in addition to this, the concreted area of the transfer station has 2-3 small piles of shredded RDF materials awaiting baling being stored.

It was noted however that the shredding operations were taking place outside of the building. This resulted in high levels of dust and fine waste particles blowing around the site. If the operations were being carried out within a building then this issue would not be occurring.

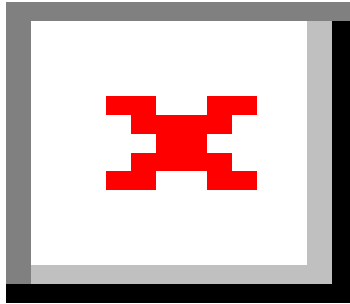
Throughout this part of the inspection Atlantic confirmed, when asked, that there was currently no asbestos being stored on site and that the skip was empty.

B1-Infrastructure-Engineering for the prevention and control of emissions. Category 2 breach against permit condition 2.1.1

This breach has been scored due to the poor condition of the concrete across field 1. Atlantic Recycling have been informed about this issue on many occasions and this has been detailed within CAR forms NRW0020642, NRW0000131, 30347/0255226, 30347/0250120, 30347/0247256, 30347/0245082 and the audit report of May 2015. Large amounts of cracking and degradation has been seen across the entire surface and so the integrity of the surface is questioned. The cracks within the surface have resulted in a risk of pollution through leachate infiltration. When on site during this visit, as detailed above leachate was seen within a large crack that increases the likelihood of a pollution to the environment occurring. The cracks seen during this visit were bigger than those seen on site previously.

ACTION: Please tanker away the leachate on field 1 and then repair the larger cracks identified within the visit. These are the areas where the highest risk is posed to the environment.

Upon receipt of the report from the engineer and based on the findings of the report, further dates and deadlines for improvement may be set in conjunction with enforcement action to rectify any non-compliance that may be identified.



Please note: This breach has not been scored for the tarmac infrastructure on site being used for the storage and processing of waste. This section of the site is subject to a Regulation 36 Notice that requires the infrastructure be replaced to become compliant with the permit condition.

B4-Infrastructure-Containment of stored materials. Category 4 breach against permit condition 2.1.1

This breach has been scored for the amounts of wind-blown waste that was seen to have left the concrete surface of field 1. The waste was seen along the banking of the SSSI ditch between SW9 and where the SSSI splits to lead towards SW8. No waste was at this time seen within the SSSI itself and so is judged to have no impact.

ACTION: Please ensure that the waste is contained on the infrastructure designed for the storage of waste and that the waste that has been blown off the pad, is cleaned up.

C2-General Management-management system and operating procedures. Category 2 breach against permit condition 1.1.1 and 2.1.1

This breach has been scored for the incompetent management of a waste facility across the site and throughout many areas. It has been identified as the root cause for all of the breaches highlighted on this CAR form. These breaches will be scored and detailed separately with actions to remedy the breach identified. If the site was being managed competently then the volumes of waste on site would not be seen, in addition to this, a higher turnaround of waste would be expected at a well run site. Waste remains on site that was accepted onto the facility in excess of 3 years ago. In some cases the waste was accepted onto site up to or in excess of 5 years ago. Furthermore, the infrastructure across the site is not fit for purpose across many areas.

ACTION: The site needs to improve its waste management and become compliant with its permit conditions in order to run a waste facility in a competent way.

Please note: This breach has not been scored with reference to the tarmac infrastructure on site or the waste being stored and treated outside of a building as part of the RDF process on the field 1 area of the site. These are subject to enforcement notices for which the scores have been suspended. The breaches scored within this CAR form are for non-compliances outside of the served enforcement notices.

C4-General management-Storage, handling, labelling, segregation. Category 2 breach of permit condition 2.1.1

This breach has been scored for the storage and shredding of waste for the production of RDF/SRF currently taking place outside of the building. This is not a permitted activity and is not allowed under section 2.1.1. This section of the permit only allows the treatment and storage of wastes under the RDF production activity to take place within a building. Once wrapped/baled the waste is permitted to be stored outside of a building.

The C&D waste has been stored on site without the required infrastructure for a significant period of time. The permit allows for the storage of waste of 1 year prior to disposal and 3 years prior to recovery. This waste has been on site for greater than this time period and must be removed as this has landfill directive implications. The storage of this waste, along with not being on a compliant surface remains above the 4m height limit imposed within the permit under table S1.1 A3. NRW were told that a document would be submitted to review the storage arrangements (infrastructure) for this waste to be allowed onto hardstanding. NRW have not received such documentation and many months have passed since this was discussed. Finally, this stockpile has asbestos contamination within it and as such is hazardous.

ACTION: Please stop this activity within the transfer station as it is not permitted. Please ensure that the storage of RDF wastes prior to being baled and the treatment of the waste that will become baled RDF is done moved to within the building.

ACTION: The C&D waste needs to be removed from site and taken to a facility licenced to accept it or treated and used at a site permitted to accept it. The waste also needs to be reduced in height and relocated onto a surface suitable as per permit conditions to become compliant with the permit.

Please note: This breach has not been scored with reference to the waste and treatment of the waste for RDF currently occurring on the field 1 area of the site. NRW has temporarily allowed this to happen in an attempt to be reasonable and to help Atlantic with the compliance of the Regulation 37 Notice currently in place within field 1.

D2-Incident management-Accident, emergency & incident planning. Category 2 breach (suspended) against permit condition 1.1.1

This breach has been scored for the lack of fire breaks within the waste being stored on field 1. This is frustrating to see as the fire breaks were present before processing of the waste took place under the

current Regulation 37 notice. Atlantic recycling have chosen to close these fire break off and in so doing have increased the risk of fire again considerably.

This core is suspended as it relates to the risks identified within the Regulation 37 Notice currently in place across the field 1 area of the site. This score will be released if the notice is not complied with.

ACTION: Please reinstate the fire gaps as soon as possible as this has increased the risk of a major fire at the site. Fire gaps are insisted upon for a reason and as such NRW take the closing off of fire breaks extremely seriously as the implications both for the environment and the locality are potentially very significant.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0023774**

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	Date	11/07/2016

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			
C2	C2	Improve operations and infrastructure on site	31/07/2016
B4	C4	Clean up	31/07/2016
D2	C2	Increase fire gaps on field 1	31/07/2016
B1	C2	Improve the infrastructure and remove leachate	31/08/2016
C4	C2	Improve infrastructure or stop using outside for treatment or storage	31/08/2016

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.