

Compliance Assessment Report

Report ID:
CAR_NRW0020642

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	19/05/2016	Time in	10:00	Out	11:15	
Assessment type	Site Inspection					
Parts of the permit assessed	Regulation 37 Compliance					
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	
B1 - Infrastructure - Engineering for prevention and control of emissions	C2	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	
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	3	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

The site was attended by officers Gareth Danter-Hill and Lara Moggridge, site representation was made by John Edwards and Lloyd Howells. The weather was dry and sunny.

Breaches against this CAR form within sections C2 and C4 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 of these breaches has been provided within CAR 30347/0255226.

B1-Infrastructure-Engineering for prevention and control of emissions. Category 2 breach against permit condition 2.1.1 (Table S1.1 A2 and A5)

This breach has been scored for the poor quality of infrastructure within field 1. Atlantic recycling have been informed about this issue previously and that the surface does not meet the requirements of the regulation 36 notice that expired in December 2015. You have been notified previously through several CAR forms as detailed in CAR_NRW0000131. 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.

ACTION: Could you please confirm the reasoning for the repairs to the concrete surface and why they have not been carried out in-line with the methodology of the submitted CQA (as requested in the previous CAR _NRW0000131)?

ACTION: Please ensure that repairs are carried out to the required standard and are compliant with the permit requirements for infrastructure (impermeable surface with sealed drainage).

Other points to note:

As NRW officers were waiting for John Edwards to join them, they were stood behind the offices over-looking the transfer station. At this point an experienced member of the staff on Atlantic engaged in conversation with us. During this conversation information was offered surrounding the baled waste in field 1. NRW were informed that the 2015 bales from field 1 were being taken from their current storage location and then split open, re-shredded, and then baled once more. These were then being added to the other bales and exported from site. When questioned about this process, the operative confirmed that the waste must go through the entire process again as the bales cannot be simply re-wrapped as the machinery is not set up to enable this action to be carried out. NRW find this extremely concerning as the submitted waste removal documentation has been provided and NRW were informed that this waste is for the stockpile 1 waste only. This therefore provides NRW an unrealistic representation

of the waste exports from site. In addition to this, if this activity is occurring then NRW would have preferred that the bales being removed originated from the 2012/13 bales and not the bales that fall outside of the regulation 37 notice.

There are approximately 400 bales currently within the transfer station pending export. NRW were informed by John Edwards that these bales were all stockpile 1 material ready to leave site.

As we walked onto the field 1 area of the site, the waste stockpile identified on recent plans as T4 was being processed. The centre of the pile was exposed and the material within the pile appeared to be very different to that on the outside of the pile. NRW believe that the waste within the stockpile is that of stockpile 1 and that the waste from the transfer station has been put over the top. A direct comparison to the stockpile 1 material still on site was made. The waste types appeared to be the same in all of their colour, type, form and composition reinforcing NRW's beliefs. Officers took photographs of the 2 different waste piles for comparison.

The volume of waste on site is again in excess of what would be expected after the removal of waste in excess of 20,000T. Field 1 is full and new stockpiles have been created taking the total number to greater than that for when stockpile 1 was identified in 4 piles.

Stockpile 1 waste remains on site to a total of approximately 3,000T of waste. This is the easily identifiable pile of stockpile 1 waste and does not include the waste that has been mixed throughout the other stockpiles.

Also noted on site was that more 2015 bales were missing by comparison to previous inspections and that the 2103 bales were leaching to a high degree. Interestingly the leachate was a different colour to that previously seen (white/grey) and was giving off a very unpleasant odour.

Please be advised that the storage of waste prior to treatment that forms part of the RDF process is not permitted to take place outside of a building. This is also the case for the treatment of wastes that are destined for the RDF market. The permit only allows for the storage of treated wrapped or baled RDF/SRF to be stored inside a building or outside on an impermeable surface with sealed drainage. NRW have not breached the operations within field 1 for this non-compliance in an attempt to be reasonable and to allow progress against compliance with the Regulation 37 notice that is in place for activities on field 1.

EPR Compliance Assessment Report

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Operator/Permit holder	Atlantic Recycling Limited	Date	19/05/2016

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.

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			
C4	C2	Remove waste	14/09/2016
C2	C1	Remove fire risk	14/09/2016
B1	C2	Replace infrastructure	14/09/2016

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.