

Compliance Assessment Report

Report ID:
CAR_NRW0026332

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	26/08/2016	Time in	10:30	Out	11:40	
Assessment type	Site Inspection					
Parts of the permit assessed	Permitted activities and infrastructure					
Lead officer's name	Danter-Hill, Gareth					
Accompanied by	Bowder, Alex					
Recipient's name/position	John Edwards/ Compliance Director	Date issued	26/09/2016			

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
B1 - Infrastructure - Engineering for prevention and control of emissions	C2	2.1.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
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	1.1.1
F1 - Amenity - Odour	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)	124
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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 Alex Bowder for NRW. Officers arrived on site at 10:30 and Atlantic Recycling staff were notified that NRW were on site. As per the request of Atlantic NRW officers waited to be accompanied by a member of staff for the site inspection. NRW were notified at 10:30 that James Perry will be joining NRW for the inspection. At 10:35 NRW officers saw Mr Perry enter Atlantic recycling and drive onto the transfer station. There was no further communication from Atlantic as to where he was or how long he would be. At 10:50 NRW used the Section 108 powers to enter the site without a member of staff accompanying them. NRW officers did however inform 2 site operatives who had radios that they were going onto the field 1 area of the site as 20 minutes was a reasonable amount of time to be waiting for representation from Atlantic recycling to join them.

As NRW were inspecting the field 1 area of the site, James Perry joined the inspection. John Edwards and Phil Ridley joined the inspection within the transfer station. All breaches on this CAR form were detailed and discussed with ARL staff during the inspection.

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

As outlined on site, the surface of field 1 is not compliant against the requirements of the permit. This issue has been discussed in many previous CAR forms throughout 2015 and 2016. The permit requires that all waste that is part of the RDF and transfer station activities is to be stored on an impermeable surface with sealed drainage. Large cracks and surface deterioration can be seen over many areas of the surface. Some of these cracks are substantial and will allow for the passage of contaminated waters to flow through the surface avoiding the sealed system.

ACTION: The surface will need to be replaced before waste is to be stored on it once the Regulation 37 notice has been complied with. The regulation 37 Notice requires that all waste currently stored on field 1 must be removed from site and taken to a facility permitted to accept it. Previous action points have not been completed surrounding this infrastructure.

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

This breach has been scored and identified as the root cause of the breaches across this CAR form. Each breach will be scored and detailed separately with actions required to remedy the breach. The incompetent management of the facility has resulted in several significant breaches being scored and being scored repeatedly as actions are not being completed from previous CAR forms. If the site was being managed competently then the volumes of waste that are historic (over 5 years in large quantities) would not be present, in addition to this, large areas of the sites infrastructure are also non compliant.

ACTION: The site needs to improve its management and waste management processes to become compliant with the required permit conditions. This would result in a facility that is being run competently. This has been requested previously, but not completed as is evidenced throughout the breaches on this CAR form.

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

This breach has been scored for the storage and treatment of waste for the production of RDF/SRF currently taking place outside of a building. This activity is not permitted and is a breach of the activities listed within 2.1.1. Only baled/wrapped RDF can be stored outside of a building on site. This activity must be moved to be inside a building or stopped.

In addition to this, the C&D wastes that were detailed within CAR NRW0023774 remains on site and the action point has not been completed.

Within the transfer station area of the site there was a significant stockpile of shredded waste that was pending removal off site. This waste pile was extremely large and did not benefit from fire gaps or comply with the stack sizes identified within the IMS. The pile was approximately 10-15m high, 15-18m wide and 20-25m deep. This has been an issue on site before and it is disappointing to see that the same poor storage practices have been adopted once more. This is an example of the incompetent management practices adopted on site. Stacks of this size increase the risk of fire on site and must be prevented from accumulating.



ACTION: The processing and storage of RDF/SRF waste outside of a building must stop as it is not a permitted activity. Please ensure that these operations are carried out within a building on site as previously requested in CAR forms NRW000131 and NRW0023774. The C&D wastes that are stored within both field 2 and 3 also need to be removed from site as per the request in a previous action point in NRW0023774.

D2-Incident management-Accident, emergency & incident planning. Category 2 breach of permit condition 1.1.1

This breach has been scored for the lack of fire gaps within the transfer station of the site. This has been an issue at the site previously and is once again disappointing to see. This is an example of a complete disregard for the environmental risk posed by storing waste in this way and illustrates incompetent management once again. As can be seen within the images that form part of this CAR form waste is being stored in a way that if a fire should occur, the spread of it across many different waste heaps is a realistic concern. Fire gaps are required within waste storage areas to help prevent the unnecessary spread of fire and to help the FRS tackle any fire event. Atlantic have had several fires at site over the past few years and should take these warnings seriously. On site there were little/no gaps between the shredded waste pile, baled wastes piles, un-chipped wood and chipped wood.

This was also the case within the field 1 area of the site but as this waste is covered by a Regulation 37 notice requiring its removal within the next 2 weeks, this will not form part of this breach but does need to be mentioned as the risk is also significant here. Large piles of shredded waste were being stored with no fire gaps within them and in close proximity to the baled wastes. NRW had been informed by John Edwards prior to the inspection that the fire gaps within field 1 were created, it was frustrating to see that this was not the case during the inspection and the risk remains high on site.





ACTION: Please manage waste piles more effectively and create/maintain the required fire gaps within the waste. As mentioned above, fire gaps were requested to be installed on the last CAR form, NRW were informed that this was done, on site evidence suggests that this is not the case.

Other points to note

When on site Atlantic asked that if an extension was requested for the deadline of the regulation 37 notice, would NRW issue it. NRW informed Atlantic that if they wish to request an extension to the deadline then they will need to submit the request formally and that NRW will consider it at that point. NRW did advise Atlantic to submit the request in good time though and not to leave it until last minute as this would not give NRW sufficient time to consider the request.

The biological treatment plant was also discussed as it is nearing completion. NRW advised Atlantic not to formally utilise the treatment however as no permit application has been submitted to add this process on to the permitted activities. This treatment can only be used when it is a listed activity on the permit. NRW also advised Atlantic that this would be an unpermitted treatment if carried out without the required permit and so would be an illegal activity.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0026332**

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Site	Atlantic Recycling Limited	Permit Ref	PP3993VS
Operator/Permit holder	Atlantic Recycling Limited	Date	26/08/2016

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	All RDF processing and treatment must be done inside a building or the activity stopped. Date for building construction to be agreed with operator (by the date opposite) and formulated in an Enforcement Notice	31/10/2016
C2	C2	Improve on site operations and management.	03/10/2016
D2	C2	Increase and maintain the fire gaps within the waste piles. Reduce stack volumes and heights.	03/10/2016
B1	C2	Replace the concrete surface of field 1 so that it complies with the permit conditions. Date to be agreed with operator (by the date opposite) and formulated in an Enforcement notice.	31/10/2016

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 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.