

Compliance Assessment Report

Report ID:
CAR_NRW0032161

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	06/09/2017	Time in	11:00	Out	13:00	
Assessment type	Site Inspection					
Parts of the permit assessed	1.1.1					
Lead officer's name	Downes, Damien					
Accompanied by	Robert Salter					
Recipient's name/position	John Edwards / Compliance Director	Date issued	05/03/2018			

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
C2 - General Management - Management system and operating procedures	C1	3.7.1

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	1	Total compliance score (see section 5 for scoring scheme)	60
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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 officer Damien Downes and Robert Salter of South Wales Fire & Rescue Service, site representation was made by Phil Ridley Atlantic Recycling Business & Development Director accompanied by Ahlim Hashm, Technical Director RPS Group. The weather was dry and sunny.

The purpose for the site visit was to review the June 2017 Aerial Survey of Atlantic Recycling Ltd and to inspect the transfer station and Field 1 area to assess waste storage operations and fire risk.

In May 2017, Natural Resources Wales instructed Exegesis SDM Ltd to conduct an aerial survey of Atlantic Recycling Ltd, Newton Road, Cardiff, CF3 2EJ. As stated in the document, the aerial photography field work was undertaken in the morning of 13th June 2017 with 'ground control points' survey on the 5th July 2017 using survey quality GPS.

Natural Resources Wales received the final data from the survey on 15th August 2017.

A summary of the data is referenced on page 7, '3 Results' and gives details of the delineated area ID and waste type with volumes. Field 1 is referred to as A and the TFS B. *The volume error was calculated to a 99% confidence level.

Delineated Area ID and waste type	Volume*
A - Heaps	12,592 m3 +/- 25 m3
A - Bales	4,984 m3 +/- 13 m3
B - Heaps	22,531 m3 +/- 27 m3
B - Bales	836 m3 +/- 7 m3

Field 1 Area

The total volume of material in the Field 1 area at the time of the survey was calculated at 17,576 m3. It was recorded during the inspection (6th September 2017) that the requirements of the Regulation 37 suspension notice had not been complied with. The aerial survey had recorded that there was approximately 17,576 m3 of waste remaining on the Field 1 site.

A number of stockpiles within the Field 1 area far exceeded the maximum IMS14-03 and FPP stockpile size of 450m3 for loose RDF.

Transfer Station Area

The total volume of material in the transfer station at the time of the survey on 13th June 2017 was calculated at 23,367 m3.

C3 – General Management – Materials Acceptance - Category 1 Breach - Permit Condition 1.1.1

This breach has been scored and identified as the root cause of the breaches across this CAR form. The Atlantic Recycling IMS document; 'Theoretical Storage Arrangements' reference JCD0170-053 storage arrangements and maximum storage capacities which specifies the total stockpile volume for the North of TFS (tarmac), North of TFS (concrete), East of TFS and West of TFS (total TFS volume). The total volume capacity of these areas is 16,508 m3. The aerial survey data, recorded the total volume for the TFS in July 2017 at 23,367m3. The total volume exceeds the Atlantic Recycling Ltd maximum storage capacity by **6,859** m3.

C2 – Management System & Operating Procedures - Category 1 Breach - Permit Condition 1.1.1

The Atlantic Recycling Ltd, Rumney, Fire Prevention, Section 3.3.3 Storage Plans, 3.3.3.1, Table 1 – Maximum Waste Pile Sizes;

Loose Storage of RDF: Storage Pile Volume **450m³**, Dimensions 20m in length by 5m high, 235 m² area, Storage Duration – less than 6 months.

During the site inspection on 6th September 2017, conducted by NRW Officer DOWNES and SWFRS Officer RIDLEY the stockpile dimensions were found to be greater than 10 metres wide, 20 metres long and 5 metres in height. The total volume of each individual stockpile far exceeds the total maximum 450m³. This is in direct contravention of the fire prevention plan.

It was recorded that a significant volume of material had been stored for a period exceeded 6 months as was evident by the vegetation growth on the stockpiles as referenced in the pictures.

Furthermore, the separation distance between the stockpiles as measure by officer RIDLEY were found to be less than 6 metres in places.

There is a significant volume of waste stored on the transfer station and Field 1. Atlantic Recycling Ltd are in clear breach of the permit conditions and not operating in accordance with the written management system. There is a significant fire risk posed by the operation and a fire on site would be very likely to spread to adjacent bales and thus would become a serious and protracted fire.

We will now consider what formal action is appropriate and notify you.

UPDATE 08/11/2017 & UPDATE 16/01/2018

Fire Risk

C2 – Management Systems and Operating Procedures – Category 1 Breach – Permit Condition 3.7.1

From your description it appears as though you are using selected pieces of advice from the two different versions of the WISH guidance.

Larger stack sizes are acceptable in the new document as the increased separation distance greatly reduces the risk of fire spread between stacks. There are however still some significant restrictions on stack dimensions (height and width).

Permit Condition 3.7.1 of the permit states that "the operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance." The separation distances and stack sizes on site at the time of the inspection were not compliant with the recommendations of the most current, relevant fire prevention plan guidance.

It is correct that the burn face is the determining factor in heat emission and fire spread but because the 6m separation distance is insufficient to reliably prevent fire spread between stacks it is very likely that a serious fire will involve numerous stacks. It is therefore even more important to limit the size of fire by limiting the size of stack

~~As such you will either need to significantly reduce your stack sizes retaining the 6m separation distance as per the old guidance OR maintain your stack sizes (provided they are within the limits of the new guidance) and increase the separation distances as per the updated wish guidance~~

In relation to the 'enhanced mitigation measures' you have provided in your email, the advice we have taken from the Fire and Rescue Service is as follows:

"In relation to staff undertaking firefighting this is covered in section 19 of the new guidance

It lists various methods of fighting a fire but importantly it explains that active firefighting does not mean that staff have to fight a fire and that no-one should put themselves at risk by trying to fight a fire.

At the end of the section it states that *"All these techniques may be used by staff on site if they are suitably trained and supervised at all times by the fire and rescue service. However protecting the health and safety of people on site must be your priority."*

It would be possible for staff to engage in a level of firefighting prior to arrival of the fire service but the level at which they can be committed to early intervention should be carefully considered and the training, equipment, PPE, maintenance routines and control measures in place to ensure their safety would need to be clearly demonstrated.

While early intervention may be beneficial in mitigating the effect of any fire it wouldn't negate the requirement to comply with stack sizes and separation distances.

FRS service will not place firefighters at risk unless there is saveable life involved in the fire. This is a nationally accepted approach. Therefore before a fire is attacked certain control measures must be put in place to ensure firefighter safety whilst attacking the fire. It is unacceptable for an operator to expect his employees to attack a fire whilst forgoing the control measures necessary to ensure their safety."

In addition to the above, the fire prevention plan (RPS Atlantic Fire Prevention Plan – Issue 1D March 2017) available at the time of inspection did not cover these mitigation measures. NRW can only regulate against the information you have provided to us.

Given the large stack volumes (assessed as greater than 10m wide, 20m long and 5m high equalling approximately 1000m³) and small separation distances between stacks (6m or less), for the reasons outlined above, there is a significant fire risk posed by the operations on site and a fire on site would be very likely to spread to adjacent bales and thus could become a serious and protracted fire. The Category 1 breach under C2 – Management System & Operating Procedures – Permit Condition 3.7.1 is maintained.

ACTION: Update Fire Prevention Plan to reflect most current, relevant fire prevention plan guidance and implement across site ensuring waste stack sizes and separation distances are appropriate to reduce risk of fire. To be completed by 28/02/2018

Waste Volumes

C3 – General Management – Materials Acceptance – Category 1 breach – Permit condition 1.1.1

You have provided a number of different theoretical storage arrangement plans since the inspection carried out on 06/09/2017 some of which comply with the new guidance and some with the old. It is therefore difficult to make an accurate assessment of whether the volumes of material you have on site comply with the storage limits within these plans.

At the time of inspection we were in receipt of plan JCD0170-053 (submitted by email in May 2017). This plan showed waste materials being stored within the Eastern side of 'East of the Transfer Station (previously referred to as Stockpile 1). This area does not have the infrastructure in place to allow for the storage of waste. Furthermore the new building area on this plan was marked as not being used for storage. In light of this information the inspecting officer calculated the theoretical storage volume as being 16,058m³, significantly less than the volume of waste currently being stored on site.

In your email on 8th November you provided us with plan JD0107-FPP-002 that has updated

JD0170-053 and calculates the theoretical volume capacity of materials to fall within the range 21,600m³ – 24,695m³ (taking into consideration increased storage East of the transfer station and within the new building boundary and not taking into consideration the area previously referred to as stockpile 1).

As stated previously, we can only regulate against the information available to us at the time of inspection however, in this instance we are prepared to take into consideration the volumes as calculated in JD0107-FPP-02. Although this plan was not available at the time of inspection, it was visually acknowledged that material was capable of being stored within the new building area.

You further raised the issue of inert materials being stored on site for which there are no storage limits in terms of pile size or separation distances. You stated that this cannot be ignored in our consideration of your capacity. As such inert materials either need to be taken into consideration when calculating the volume of waste on site OR a maximum volume of allowable inert waste on site allocated and said volume correspondingly removed from the 'theoretical storage arrangements'. Either the material is part of the volume on site or it reduces the theoretical capacity correspondingly.

Taking all of the above into consideration, the volume of waste on site is at or over the theoretical storage capacity on site. In light of this information we have removed the Category 1 non-compliance C3 – General Waste Management – Materials acceptance – Permit Condition 1.1.1.

However, unless a significant volume of waste is removed from site, acceptance of any further waste materials into the transfer station area would be a breach of your environmental permit. It is also of vital importance that the piles of waste on site are reduced and the separation distances maintained / increased where applicable to comply with the stack volumes and separation distances as outlined in JD0107-FPP-02 and the original wish guidance.

~~If the Fire Prevention Plan / Theoretical Storage arrangements are being updated it would be advisable to work towards the specifications within the upgraded WISH guidance as the following permit condition is being added to all permits for waste facilities whose operations pose a fire risk as part of a rolling project being carried out by NRW.~~

~~The operator shall manage and operate the activities in accordance with a written fire prevention plan using current, relevant fire prevention plan guidance.~~

~~The operator shall:~~

~~If notified by Natural Resources Wales that the activities could casue a fire risk, submit to Natural Resources Wales a fire prevention plan which identifies and minimises the risks of fire;~~

- a. ~~Operate the activity in accordance with the fire prevention plan, from the date of submission, unless otherwise agreed in writing by Natural Resources Wales~~

- As stated in the original Compliance Assessment Report, we will now consider what enforcement action is appropriate and notify you referencing CAR-NRW0032161 and associated correspondence.

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EPR Compliance Assessment Report

**Report ID:
CAR_NRW0032161**

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	06/09/2017

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	C1	Fire Prevention Plan is updated to reflect the most current, relevant fire prevention plan guidance and that the plan and storage arrangements are implement across site ensuring waste stack sizes and separation distances are appropriate to reduce the risk of fire.	28/02/2018

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.