



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Statutory Notice

**Environmental Permitting (England and Wales) Regulations 2010
Regulation 37(1) and (3A)**

ENFORCEMENT NOTICE OF SUSPENSION AND REQUIREMENT TO TAKE STEPS

To: **Mr David Neal,
Atlantic Recycling Limited,
Atlantic Ecopark,
Newton Road,
Rumney,
Cardiff,
CF3 2EJ.
Company number 05788239**

Environmental permit number: EPR/PP3993VS EAWML 30347
**Regulated facility: Atlantic Recycling Limited,
Atlantic Ecopark,
Newton Road,
Rumney,
Cardiff,
CF3 2EJ.**

Under Regulation 37(1) and (3A) of the Environmental Permitting (England and Wales) Regulations 2010, **Natural Resources Wales** may suspend an environmental permit if, **Natural Resources Wales** consider that the manner of operating a regulated facility contravenes an environmental permit condition, and that such contravention involves a risk of pollution. Accordingly, **Natural Resources Wales** has decided to suspend the environmental permit to the extent specified in Schedule 1 with immediate effect.

In addition, you are required to take the steps specified in Schedule 2 to remove that risk. Further, in relation to any activities that you are still authorised to carry out under the environmental permit, you are required to take the steps specified in Schedule 4.

The reason for this decision is that, **Natural Resources Wales** consider that the manner of the operation of the regulated facility contravenes environmental permit conditions leading to a risk of pollution, namely:

Section 1.1 General Management: 1.1.1 states that;

The operator shall manage and operate the activities:

- (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and
- (b) using sufficient competent persons and resources.

Within the management system adopted for the facility by the operator it states within IMS 14-03 that:

Waste Storage Checklist:

- *RDF (loose) Max storage time of 6 months;
- *RDF (baled) Max storage time of 6 months.

This permit condition has been contravened because there are increasing quantities of waste being stored at the site for prolonged periods of time. Much of the waste has been on site for in excess of 3 years and in some areas up to 5 years. The majority of the remaining waste has been stored on site for a time period in excess of 6 months. The risk of pollution to the environment being caused by fire is significantly increased by stockpiling waste in this way as it has the potential to spontaneously combust.

Section 2.1 Permitted activities: 2.1.1 states that;

The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities"):

S1.1 activities A2 Waste Transfer Station with treatment;

Storage of all hazardous and non hazardous wastes shall be on an impermeable surface with sealed drainage.

Treatment of all non hazardous wastes shall be on an impermeable surface with sealed drainage.

Within the management system adopted for the facility by the operator it states within IMS 14-03 that:

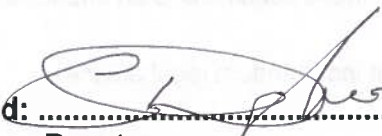
Waste Storage Checklist:

- *Mixed Waste for RDF will be stored 10m from the field ditches and reens on an impermeable surface with sealed drainage system.

This permit condition and provision of the EMS is being breached as large stockpiles of shredded mixed waste are currently stored on the transfer station. Much of the waste has been stored on site for in excess of 6 months in the same location and is now breaching down and producing leachate. The surface upon which it is stored has lost its integrity as an impermeable surface and is no longer served by a sealed drainage system. The risk of pollution of the environment through the escape of leachate is increased significantly as a result of the degradation of infrastructure on the site.

The environmental permit ceases to have effect to the extent specified until this notice is withdrawn.

Date: 17/12/2015

Signed: 
Caroline Drayton
Industry & Waste Regulation Team Leader
Rhymney & Ebbw Catchments

Natural Resources Wales
Rivers House,
St Mellons Business Park,
St Mellons,
Cardiff,
CF3 0EY.

Please see over for notes.

Environmental Permitting (England and Wales) Regulations 2010 Regulation 37(1) and (3A)

Notes:

General

1. This notice suspends the environmental permit to the extent specified in Schedule 1 because Natural Resources Wales considers the manner of the operation of the regulated facility contravenes an environmental permit condition and that such contravention involves a risk of pollution. Consequently, operating any of the activities which this notice has suspended is an offence and legal action may be taken against you.
2. You remain bound by any conditions of the environmental permit that are not specified in Schedule 1. Failure to comply with these conditions is an offence and legal action may be taken against you.
3. You may wish to seek independent legal advice.

Appeal provisions

You are entitled to appeal against this Notice under Regulation 31(2)(f) of the Environmental Permitting (England and Wales) Regulations 2010. A Notice of Appeal must be made not later than 2 months after the date of the notice. An Appeal does not effect the requirements of this notice.

You must send written notice of the appeal and the documents listed below to:

The Planning Inspectorate
Crown Building
Cathays Park
CARDIFF
CF10 3NQ

Tel: 029 2082 3866

Email: wales@pins.gsi.gov.uk

Website: <http://www.planningportal.gov.uk/planning/appeals>

At the same time you must send a copy of the appeal notice and documents to Natural Resources Wales.

The required documents are:

- A statement of the grounds of appeal
- A copy of any relevant application
- A copy of any relevant environmental permit
- A copy of any relevant correspondence between the appellant and the regulator
- A copy of any decision or notice which is the subject matter of the appeal
- A statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You may withdraw an appeal by notifying The Planning Inspectorate in writing and sending a copy of that notification to Natural Resources Wales. Further information about making an appeal and the forms that you will need are available from The Planning Inspectorate detailed above.

Legislation note

In this document "Natural Resources Wales" means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012. On 01 April 2013 the Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

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SCHEDULE 1 EXTENT TO WHICH THE ENVIRONMENTAL PERMIT IS SUSPENDED	
Extent	
The acceptance of all wastes detailed within the permit held at the facility will be suspended as detailed below:	
Table S2.1 Waste types and quantities for in vessel composting (IVC) are now suspended	
Table S2.2a Waste types and quantities for waste transfer station with treatment are now suspended	
Table S2.2b Waste types and quantities for waste transfer station-storage only are now suspended	
Table S2.3 Waste types and quantities for soil processing are now suspended	
Table S2.4 Waste types and quantities for wood processing are now suspended	
Table S2.5 Waste types and quantities for refuse derived fuel and solid recovered fuel processing are now suspended	

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SCHEDULE 2 STEPS TO BE TAKEN TO REMEDY THE CONTRAVENTION OF THE ENVIRONMENTAL PERMIT CONDITION LEADING TO THE RISK OF POLLUTION	
Steps to be taken	By date
Remove all waste that has been stored on site for a period longer than 6 months as identified in plan GDH1, as required by the IMS and within permit condition 1.1.1.	14 th September 2016
All waste stored on surfaces that are not impermeable must be moved onto an impermeable surface with sealed drainage as required by permit condition 2.1.1	14 th September 2016

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SCHEDULE 3 REQUIREMENT TO DISPLAY APPROPRIATE SIGNS AT SUCH PLACES SET OUT BELOW INFORMING THE PUBLIC THAT NO WASTE OF A SPECIFIED DESCRIPTION MAY BE ACCEPTED AT THE FACILITY	
Wording of Notice	Where to place sign
See Annex 1 (English sign) and Annex 2 (Welsh sign)	N/A
See Annex 1 (English sign) and Annex 2 (Welsh sign)	N/A

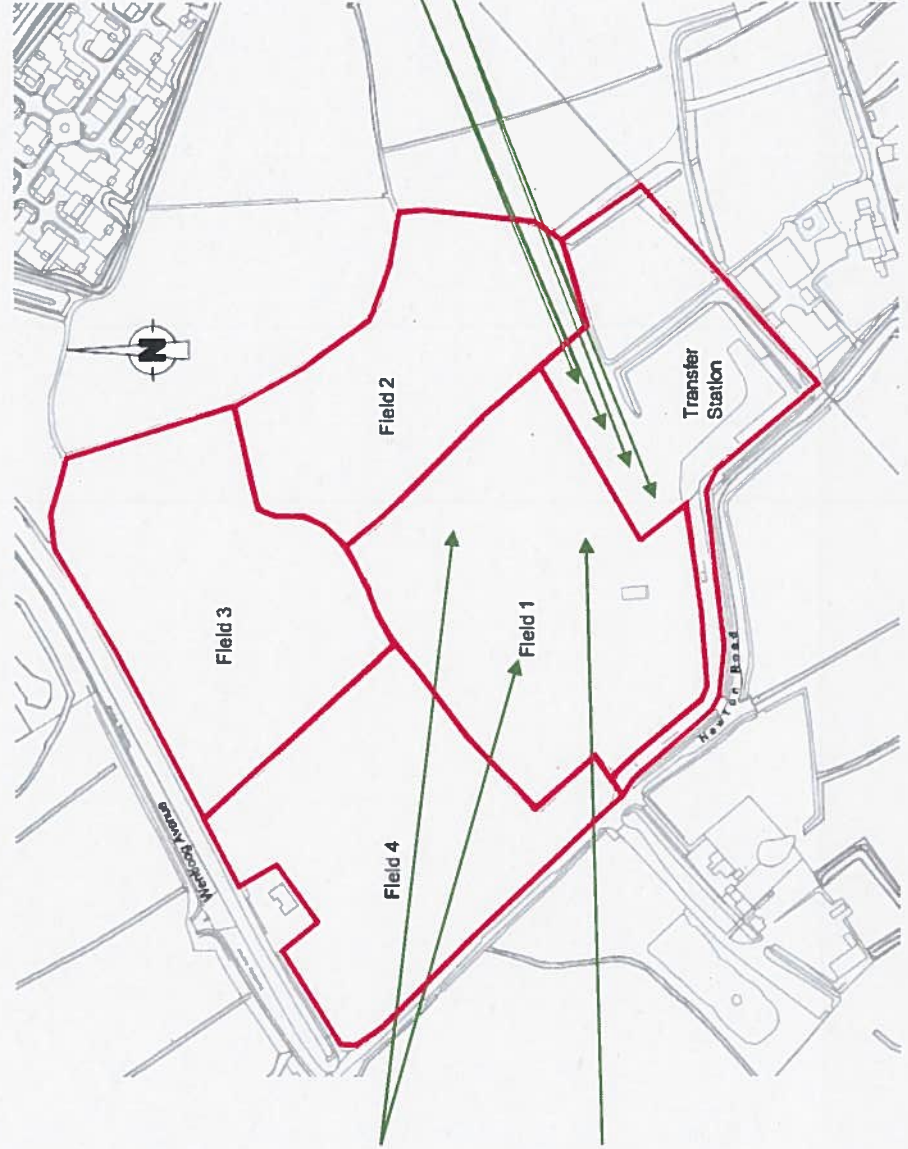
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SCHEDULE 4 ADDITIONAL STEPS FOR NON-SUSPENDED OPERATIONS	
Steps to be taken	By date
Please ensure that the waste hierarchy is adhered to enabling effective recovery and recycling of waste where possible.	14 th September 2016

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GDH1



All RDF in field 1 stored in excess of 6 months

All mixed waste from stockpile 1 stored in field 1.

All mixed waste and loose RDF stored in excess of 6 months.