Cyfoeth Naturiol Cymru
Natural Resources Wales
Rivers

Our ref:SEA/RE/GDH/R37_cover

Your ref:

Address:
Rivers House
St Mellons Business Park
Fortran Road
St Mellons
Cardiff
CF3 0EY
Ebost/Email: www.naturalresourceswales.gov.uk
Ffôn/Phone: Customer services line: 0300 065 3000

Mr David Neal,
Atlantic Recycling Ltd,
TyTo Maen Farm,
Rumney,
Cardiff
CF3 2EJ.

06/06/2016

Dear Mr. Neal,

Environmental Permitting (England and Wales) Regulations 2010
Regulation 37

Please find attached a Regulation 37 (1) and (3A) Notice for the suspension of all inputs of waste to the field 1 area of Atlantic Recycling Limited.

This notice will take effect immediately and has been served due to the risk that is posed by the waste being stored on site and for permit breaches relating to this waste, in particular the shredded and baled waste on the field 1 area. This waste has been stored on site for prolonged periods of time and therefore causes a risk to the environment and breach of the permit held.

Natural Resources Wales have taken the view that the risk of fire on site is posed and steps must be taken as a matter of urgency to reduce this risk i.e. the removal of the waste from site in-line with the submitted waste reduction plan.

The waste inputs that are suspended are all those associated with the A1, A2, A4 and A5 activities detailed within the permit. However, all other processes and treatments on site allowed by the permit can continue in this area to ensure compliance with the notice deadlines.

A timescale of 14th September 2016 has been attributed to the suspension of waste inputs/storage to allow ample time for compliance with the steps outlined within the notice. If however you complete the required works within this timescale then the notice will be withdrawn and waste inputs will be allowed to continue once Natural Resources Wales have confirmed the compliance against the steps of the notice.

If you have any questions about his letter or notice, please get in touch on the details below.

Yours Sincerely,

GARETH DANTER-HILL
Environment Officer Rhymney & Ebbw
Industry & Waste Regulation
Ffôn/Tel 0300 065 3364 / 07468 742518
Ffacs/Fax 029 20369810
Ebost/Email gareth.danter-hill@cyfoethnaturiolcymru.gov.uk
gareth.danter-hill@naturalresourceswales.gov.uk
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

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 partially 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 substantial 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 12 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.

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

Date: 6th June 2016 **Signed:** .....

Rhys Hughes
Industry & Waste Regulation Team Leader
Ely and Taff 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.

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

SCHEDULE 1 EXTENT TO WHICH THE ENVIRONMENTAL PERMIT IS SUSPENDED Extent
The following permitted activities are suspended insofar as they may not be carried out in or on the Field 1 area of the site (as identified in Schedule 7 of the Permit) in respect of any waste within any of the permitted waste types accepted onto site on or after the date of this notice:
Schedule 1, Table S1.1, A1 all permitted activities;
Schedule 1, Table S1.1, A2 all permitted activities;
Schedule 1, Table S1.1, A4 all permitted activities;
Schedule 1, Table S1.1, A5 all permitted activities.
Save that any existing waste currently deposited or stored on the Field 1 area of the site may be treated in accordance with the permit conditions for the purposes of recovery or disposal off site in accordance with the permit conditions.

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

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 in the Field 1 area of the site for a period longer than 6 months (as identified in plan GDH1 herein), as required by the IMS and within permit condition 1.1.1.	14th September 2016

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

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)	

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

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.	14th September 2016

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

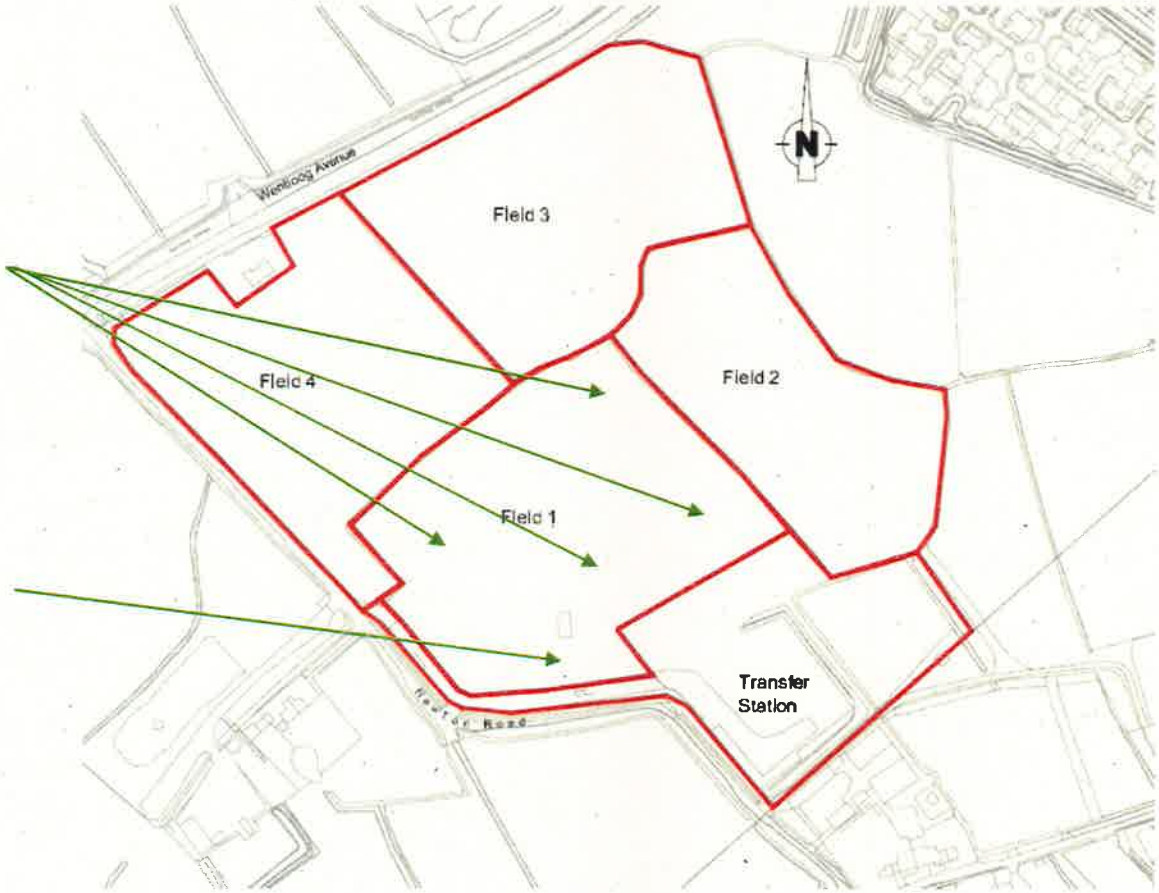
Cyfoeth Naturiol Cymru
Natural Resources Wales

Statutory Notice

GDH1

All RDF and mixed waste in field 1 stored in excess of 6 months. These wastes have been identified within the submitted Waste Reduction Plan as piles:
L1-L7,
T1-T4 and:
Baled RDF stacks 1-30

Any remaining mixed waste from stockpile 1 stored in field 1.



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