Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0035402

This form will report compliance with your permit as determined by an NRW officer					
Site	Atlantic Ecopark NRW/EPR/VP3095FS/V010	Permit Ref	VP3095FS		
Operator/Permit holder	Neal Soil Suppliers Ltd				
Regime	Installations				
Date of assessment	26/06/2019	Time in	10:00	Out	15:00
Assessment type	Audit				
Parts of the permit assessed	Waste acceptance				
Lead officer's name	Willey, David				
Accompanied by					
Recipient's name/position	John Edwards/ Group Compliance Manager	Date issued	12/07/2019		

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

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	**0**	**Total compliance score** (see section 5 for scoring scheme)	0

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

CAR Form following compliance visit on the 26th June 2019

Actions carried over

NSSL agreed it would be a worthwhile exercise detailing the process of the treatment of a hazardous waste batch setting out the pre-waste screening, pre-hazardous waste preparation of the wash plant and the additional treatments techniques and associated testing involved of the final product. ACTION: NSSL to inform NRW when this takes place to enable an associated audit to be undertaken.

Completed. An audit of pre-waste acceptance and associated testing has been undertaken on the 26th June 2019. Further audits of the process itself will demonstrate the treatment process at the site for both hazardous and non-hazardous waste.

ACTION: NSSL to submit the monitoring data, associated report and action plan within one month of the end of each quarter as one submission. **Completed.** Returns are submitted within the required timescales. This action was intended for all the information to be submitted as one. For example for surface water this would be the three rounds of monitoring data and the interpretation report to be submitted within a month after the final round of monitoring in that quarter.

ACTION: NSSL to provide information for why the levels at SW19 were not increased in a similar range of magnitude to SW18, 20 21, 24 and 25. **Completed.** An annual baseline water environment and monitoring report is submitted annually trending and analysing the monitored data.

ACTION: Please supply the up to date version of the document IMS03.02 – Objectives, Targets and Environmental Management Programme. **Completed.** The EMS is required to be updated annually.

ACTION: Please could NSSL provide an example copy of the checklist referred to in IMS14-02. **Carried forward.**

ACTION: NSSL to provide timelines for the treatment of the material in these fields as well as confirmation of the total amount of material currently stored on site. **Carried forward.**

ACTION: If not already in place NSSL to maintain an overview of incoming and outgoing material from the NSSL site. The purpose of which is to demonstrate to NRW that there is not surplus material entering the site. **Carried forward.**

ACTION: NSSL to provide an updated Best Available Techniques assessment for the proposed equipment to replace the existing wash plant. **Completed.** The site has been issued with a Regulation 61 Notice for the site to demonstrate compliance with the latest Waste Treatment BAT Conclusions.

Monitoring returns received

The following monitoring returns have been received by NRW:

2017

Q2 surface water

ACTION: Monitoring data for SW27 is not always reported, please could NSSL explain why this is the case.

Performance

Annual report

2018

Q1, Q2, Q3 and Q4 surface water

ACTION: SW1 and SW2 monitoring data is missing for Q3, could NSSL please provide justification for the missing data?

January to June and July to December groundwater

Performance

Annual report

2019

Q1 surface water

Waste returns

2017

The following waste returns have been received with NRW comments below:

- Q3 - 23276.697 tonnes 19 12 12 stated as landfill directive compliant destined for Newport.
- Q4 - 27615.92 tonnes 19 12 12 to Newport and 17110.18 tonnes to Cardiff as 19 12 09.

2018

The following waste returns have been received with NRW comments below:

- Q1 - 21832.199 tonnes 19 12 12 and 80.96 tonnes as 01 04 08 to Newport
- Q2 - 16402.04 tonnes to Newport
- Q3 - 15011.716 tonnes to Newport
- Q4 - 15376.609 tonnes to Newport with 267.38 tonnes sent to Neath Port Talbot. sent from site as 19 12 12.

Total amount of waste received to site was 450623.6 tonnes with 77645.11 tonnes removed.

2019

Q1 8402.968 tonnes as 19 12 12 to Newport and 280.96 tonnes to Neath Port Talbot. Also 4936.85 tonnes 19 12 09 to Newport.

CL:AIRE DoW:CoP

The declarations for 2018 have been received for both residential and commercial inputs under DoW:CoP. The totals for 2018 for residential was 13232.66 tonnes and for commercial 12051.94 tonnes.

Audit carried out on the 26th June 2019

An audit was undertaken to look at the testing and sampling regime at NSSL. NSSL have an Integrated Management System (IMS) in place that has achieved ISO 14001, ISO 9001 and ISO 45001. The IMS sets out the procedures in place at the site and was reflected in the CAR Form issued on the 11th May 2017. Whilst the work instructions set out the overarching procedures the intention of this audit is to go into more depth than what was set out in the work instructions (WI).

The aim of the audit is to understand the arrangement for the dry and wet process with the final testing/samples. This is the first of planned audits covering material acceptance and pre-waste acceptance, process treatment, sampling and material classification. The audits will identify key control points within the overall process that ensures compliance with the permit as well as the outgoing material with associated classification.

The sites technical assessment chemist and group compliance manager were on site for the audit. The audit looked at pre-waste acceptance and the associated testing sampling of the incoming material as well as the outgoing testing for material classification. Key staff are trained to WAMITAB with CPD in place for all staff across the site.

For wet and dry material WI01 applies. When a query comes in from a potential customer it is the role of the sales manager, with support from the sites chemist, to check and ensure that the site is permitted to accept the waste and that the site has the ability to treat the material.

Part of the assessment for suitability is on receipt of a site investigation (SI) report that would detail the type of material that would be sent as well as expected quantities. These reports would specify the site history and list whether there is the presence of invasive species or asbestos that are not permitted to be

accepted to site. The sites chemist also ensures that the concentration of the contaminates is not too high to enable effective treatment.

Once satisfied that the material could be accepted in line with the SI report samples are taken and sent to certified labs for testing. Chemical analysis are undertaken by either Chemtest Ltd (accreditation number 2183), Chemtech Environmental Limited (accreditation number 2531) or Derwentside Environmental Testing Services Ltd (accreditation number 2139) with the aggregates testing undertaken by Geo Site and Testing Services Ltd (accreditation number 2788) or Celtest Ltd (accreditation number 0494). All these companies are UKAS certified.

Recommendation: This part of the process is key to the control of material entering the site, the appropriate treatment and final classification of material. NSSL should propose key parameters that could be used as a performance parameter that will help demonstrate control of incoming materials. Through identifying key contaminants and the use of certain treatment techniques the site can clearly demonstrate process control.

Where the SI identifies that the material is unsuitable for treatment at NSSL, or if the resulting samples are not within acceptable levels, NSSL will provide transport of that material for disposal at an appropriate facility. The waste does not go to the NSSL site in this instance. These lorries are then scrapped out after disposal. The whole process of pre waste acceptance can take up to two months depending on the amount of sampling and queries raised, the sites chemist is involved throughout this process.

On receipt at NSSL photos are taken at the weighbridge of the incoming material as part of the waste acceptance techniques. This helps provide evidence if there is a need to reject a load.

The process of acceptance is the same for hazardous waste with the SI identifying contaminants. Hazwaste Online is used by NSSL to categorise the waste as non-hazardous or hazardous and the site determines whether it can be accepted for treatment. For loads that are deemed non-hazardous but have high levels of contaminants below the relevant thresholds treatment is the same as it would be for a hazardous batch. For incoming material that has very high level of contaminants and are deemed to high for treatment at NSSL are not accepted due to the strain it would put on the process. In these circumstance other options are available to the client such as removal for disposal at a third-party site.

Whilst on site the sites chemist provided evidence of a project that was unsuitable for treatment at the site due to very high contaminant levels. These projects are not considered suitable for the treatment process with the chemist advising the sales manager not to offer the recovery option to the client.

The chemist provided an overview of the electronic systems in place that tracks the projects that are potentially coming to site as well as tracking all other lorry loads to the site. This includes the hazardous waste streams that are clearly identified with the dates treated. These are usually on a weekend due to the need for the cleaning of the wash plant before and after a hazardous batch. Also witnessed was the use of WI08 – Incoming Batch Information Sheet that provides details of waste type, origin, contamination type, destination and associated stockpiling dates and batch processing dates. Also included in the form is the field location.

There is only one chemist on site, if the chemist is not available there is the option of using a consultancy to undertake the work of the chemist.

For the classification of the final product after it has undergone treatment NSSL follow the document IMS 17 Quality Management System for the production of recycled aggregates. The document sets out the requirements of the WRAP quality protocol Aggregates from inert waste. The specification sets out in Appendix B are replicated in the sites IMS as are the sampling requirements. This gives confidence in the

production of the aggregates derived from inert waste and achieving end of waste criteria. This part of the process is applicable for sands and aggregates only.

For sand and aggregates resulting from the soil wash testing is undertaken separate to material derived from inert waste streams. The resulting materials are stockpiled separately as they can differ in specification due to the wash process. There are industry standards that are listed in the QP that include the Highway's Agency Specification for Highway Works.

For soils there are three methods of specification that are followed:

1. To was specific waste standard for use as capping at landfill sites;
2. Use through the small project strategy (SPS)
3. Through CL:AIRE DoW:CoP

1. Waste specification

The resulting filter cake produced as a result of the soil wash process is tested to meet the SGVs as set out in CLEA. This is the same process for the testing of filter cake following treatment of a hazardous batch with hazardous batches requiring more testing.

As part of the soil washing process, and in particular the DAF treatment, there are two outlets for the flock produced. These are from the flock produced at the top of the DAF that is scrapped off and contains hydrocarbons with metals and hydrocarbons captured through an outlet at the base of the unit. Both these waste streams are pumped to a dedicated waste tank to be stored pending removal from site for further treatment / disposal.

Recommendation: The current process on site is for the waste tank to be emptied and removed from site on a monthly basis. It would be beneficial for the site to undertake a sample of the outgoing waste and test it for contaminate levels. It is important that an appropriate sample is taken as there will be settling in the tank. This will help provide a performance indicator of the effectiveness of the treatment process.

A further audit of the treatment process will look into the process in more detail and identify key process control points that could aid the site in demonstrating process control.

For batches that are have high contaminant levels but are not considered to be hazardous as they are below the relevant thresholds these are given job number and are treated in the same way as a haz batch, but without the associated paperwork.

2. Small project strategy (SPS)

The strategy applies to projects with a limit of 5000 m^3 (9000 tonnes based on agreed density of 1.8 tonne/m^3) material. The Qualified Person (QP) submits to NRW a list of all projects, both commercial and residential, on a quarterly basis.

3. CL:AIRE DoW:CoP

Soils exported under CL:AIRE DoW:CoP has recently caused problems for NSSL in demonstrating traceability. Due to the nature of the treatment process at the site it is difficult to track a particular load

once it has undergone treatment and has been segregated into the different categories and stockpiled according to the specification requirements.

NRW do not run and end of waste panel and do not review submissions from operators. It is the operators responsibility to review and ensure that they have made an assessment and have the evidence available to them should the regulator challenge their assessment.

The end of waste requirements in NRW can be found below:

https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/end-of-waste/?lang=en

End of waste can normally be determined using one of three methods:

- compliance with end of waste regulations
- meeting a quality protocol
- through an individual assessment on a case by case basis

Where the options listed above do not apply to the waste derived products any consideration of the status of the material must be done with regard to the following:

- Waste law principles
- Revised Waste Framework Directive
- Relevant case law In England and Wales – the OSS test where Lord Justice Carnwarth established the limbs of a test to determine when waste lubricating oil ceased to be a waste:
  - the waste derived material must be distinct and marketable; and
  - can be used in exactly the same way as the ordinary material it is replacing; and
  - with no worse environmental effects when compared to the ordinary material

It is the responsibility of the operator to review and ensure that an assessment has been undertaken and that there is evidence available should we (the regulator) challenge the assessment.

Recommendation: As part of the Reg 61 request NSSL are required to demonstrate where their site is meeting the newly published BAT conclusions. In addition to looking at the Waste Treatment BREF NSSL should look at the BATc in the Wastewater Treatment BERF that are more applicable to the soil wash process– especially the DAF plant. The BATc from the Waste Water Treatment BREF is not required as part of the Reg 61 response, however, consideration of these would aid the sites EMS when demonstrating appropriate treatment of the incoming material.

END

Cyfoeth Naturiol Cymru Natural Resources Wales	EPR Compliance Assessment Report	Report ID: CAR_NRW0035402

This form will report compliance with your permit as determined by an NRW officer

Site	Atlantic Ecopark NRW/EPR/VP3095FS/V010	Permit Ref	VP3095FS
Operator/Permit holder	Neal Soil Suppliers Ltd	Date	26/06/2019

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.

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			

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.