

Compliance Assessment Report CAR_NRW0043561

Permit being assessed: PP3993VS.

For: Atlantic Recycling Limited, **held by:** Atlantic Recycling Limited

At: Rumney, Cardiff, Glamorgan, CF3 2EJ.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 31/12/2023.

Parts of permit assessed: Annual Returns.

NRW Lead Officer: Lewis Evans.

Report sent to: Phil Ridley, Director , on 23/02/2024.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR4B - Information - Reporting	Action only (X)	
IR2A - Operations - Permitted activities	C3 Minor	2.3.3 (a)
IR1A - Management - General management	C3 Minor	1.1.1 (a)
IR2A - Operations - Permitted activities	C3 Minor	2.3.3 (a)
IR1A - Management - General management	C3 Minor	1.1.1 (a)
IR4B - Information - Reporting	C3 Minor	4.2.1

Result types are explained in more detail in the 'Important Information' section below.

Total non-compliances recorded	Total non-compliance score
5	20

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
IR4B	Action 1: Can you explain what has been happening with the RDF material that has been produced/treated in 2023 and what you intend to do with the material moving forward?	29/03/2024
IR2A	Action 2: Ensure the waste quantities of both tables (S2.2 and	26/04/2024

Criteria	Action needed	Complete by
	S2.3) are in line with the permitted limits.	
IR1A	Action 3: Ensure waste management of both tables (S2.2 and S2.3) are in line with the permitted limits.	26/04/2024
IR2A	Action 4: Ensure no non-permitted waste is accepted onto site.	29/03/2024
IR1A	Action 5: Improve management to ensure no non-permitted waste is accepted onto site.	29/03/2024
IR4B	Action 6: Please ensure the submitted waste returns to NRW are correct to ensure there is no requirement to resubmit.	30/04/2024

Compliance criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

Atlantic Recycling Limited

Permit Number: EPR-PP3993VS

The purpose of this compliance assessment report (CAR) is to record Natural Resources Wales (NRW) assessment against Atlantic Recycling Limited's (ARL) annual reporting of 2023.

ARL submitted their annual returns to NRW on the 23rd of January 2024. This was done via email and contained only the annual performance 1 form.

Annual Returns (Performance 1/Water 1)

As per permit condition 4.2.2, ARL submitted the annual production form for 2023. The following table displays the production of SRF throughout 2023.

Parameter	Units (tonnes)
Annual quantity of SRF treated/produced	21,333.64

It was noted from ARL that the reported figure is the total quantity of SRF produced and left site during the reporting period and no RDF has left site in 2023.

Action 1: Can you explain what has been happening with the RDF material that has been

produced/treated in 2023 and what you intend to do with the material moving forward?**Water 1**

With regard to the water treatment, ARL has not begun the treatment of water on site due to the water treatment system not being online.

Action: Can you explain what is the current situation with the water that is required to be treated on site?

Waste Returns

The waste returns were submitted to NRW and the table below shows the results.

Quarter	Material Received (tonnes)	Material Removed (Tonnes)	Difference
Q1	52,287.65	55,515.30	-3227.65
Q2	79,280.36	74,811.80	24,468.56
Q3	91,881.09	87,495.13	4,385.96
Q4	79,708.13	74,908.11	4,800.02
Total	303,157.23	272,730.34	30,426.89

The table above shows that in 2023 the site had 303,157.23 tonnes of material being received and 272,730.34 tonnes have been removed from site. Over the year, a total of 30,426.89tonnes has been accumulated on site.

Non-Compliances

Upon assessing the waste returns, several permit breaches have been found. The following text goes on to explain the non-compliances.

Exceeding Waste Quantities

The following image is Table S2.2 from the permit.

Table S2.2 Waste types and quantities for refused derived fuel and solid recovered fuel processing	
Maximum Quantities The total quantity of waste accepted shall be less than 100,000 tonnes a year.	
Waste Code	Description
19	WASTES FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FOR INDUSTRIAL USE
19 12	wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified
19 12 10	combustible waste (refuse derived fuel)
19 12 12	other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11

Schedule 2, table S2.3 of ARL's permit stipulates a 112,000-tonne limit for waste transfer with treatment activities. Calculation of the waste quantities, that were received in 2023, that have EWC codes that are only mentioned in table S2.3 results in a total tonnage of 140,541.65 tonnes. This is 28,541.65 tonnes over the permitted limit for this table. This figure doesn't account for EWC codes 19 12 10 and 19 12 12.

The waste returns received from ARL, show approximately 154,143.20 tonnes of waste with these two EWC codes was accepted onto site in 2023. Schedule 2, table 2.2 stipulates that there shall be no more than 100,000 tonnes of 19 12 10 and 19 12 12 to be accepted onto site during the year. Therefore these 154,143.20 tonnes have either caused a breach in the 100,000-tonne limit in table 2.2 or exacerbated the exceedance in table 2.3. Either way it is quite clear that ARL are not managing the qualities of waste in accordance with their permit.

Permit condition 2.3.3, under operating techniques, states waste shall only be accepted if it is of a type and quantity listed in schedule 2 tables S2.2, S2.3, S2.4, S2.5 and S2.6. Therefore **Category 3 non-compliance** will be scored against permit condition 2.3.3 (a).

Action 2: Ensure the waste quantities of both tables (S2.2 and S2.3) are in line with the permitted limits.

Where we find a non-compliance, we must also investigate a root cause. As it stands it is not clear if this poor management is due to a lack of training, lack of awareness or has been undertaken intentionally. Either way it highlights that the management system is inadequate in its current form for such a significant exceedance in the limits. Consequently, a **category 3 non-compliance** will be scored against permit condition 1.1.1.

Action 3: Ensure the waste management of both tables (S2.2 and S2.3) are in line with the permitted limits.

Non-Permitted Waste Accepted

Within the Quarter 1 waste returns it was found that the waste code 20 01 36 was accepted onto site. Having looked at the Schedule 2 of the permit, this particular waste code is not permitted to be

accepted onto site. A **Category 3 non-compliance** will be scored against permit condition 2.3.3 (a).

Action 4: Ensure no non-permitted waste is accepted onto site.

Similarly, as a result of accepting a non-permitted waste onto site, there has been a failure of the management of wastes being accepted onto site, a **Category 3 Non-compliance** will be scored against permit condition 1.1.1(a).

Action 5: Improve the management to ensure no non-permitted waste is accepted onto site.

Waste Returns

As required by the permit, ARL are required to submit to NRW their waste returns on a quarterly basis using the form on the NRW website. During the year, Quarter 2 and 4 have been submitted to NRW incorrectly as the information held within the waste returns have been typed or copied from an external source which has rendered them incompatible and void. This is due to the NRW systems not recognising the different entries completed by ARL. Guidance has been provided by the waste returns team on how the returns should be completed. However, this has occurred in Quarter 4. This results in a **Category 3 non-compliance** in relation to permit condition 4.2.1.

Action 6: Please ensure the submitted waste returns to NRW are correct to ensure there is no requirement to resubmit.

END

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or

suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within twenty working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 to 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.