

Compliance Assessment Report CAR_NRW0046092

Permit being assessed: VP3095FS.

For: Soil and Aggregates Treatment Plant, **held by:** Neal Soil Suppliers Ltd

At: Atlantic Ecopark, Newton Road, Rumney, Cardiff, CF3 2EJ.

Type of assessment: Site Inspection,

Reason: Routine.

On: 21/11/2024 between 10:04 and 13:27.

Parts of permit assessed: 2.3.3.

NRW Lead Officer: Geraint Harris, accompanied by Lewis Evans, Kelly Sherratt, Rhodri Morgan.

Report sent to: Group Technical Manager, Group Technical Manager, on 30/01/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2C - Installations - Operations - Operating techniques	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
0	0

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
IR2C	Please respond to actions 1 to 12 by the 14th of February 2025.	14/02/2025

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

Neal Soil Suppliers Limited

EPR/VP3095FS

A site inspection of both Atlantic Recycling and Neal Soils Suppliers (hereafter Neal Soils) was undertaken on the 21st of November 2024. Discussions about waste sampling and characterisation were briefly undertaken during this visit. It was stated during this chat that the site had approximately 30 weeks of sampling and analytical data for the trommel fines from Atlantic Waste. Permit condition 2.3.4. places the responsibility on the waste producer (Atlantic) to fully characterise their waste (WM3 steps 4 to 7) before transporting to another permitted site (Neal's). It is the receiving waste site's responsibility to ascertain if the information provided adequately represents the information provided by the waste producer (permit condition 2.3.3). If not, they should do their own assessment including sampling and testing (BREF section 2.3.2.1). Having requested Neal's pre-acceptance procedures and evidence of compliance with them, in the previous compliance form (CAR_NRW0044640), as well as a Regulation 61 Notice (sent on the 17/09/2024), there remains some concerns.

To date, NRW are yet to receive this 30 weeks of data. It was mentioned that prior to this 30 week period, sampling and testing was sporadic. However, in response to a Regulation 61 Notice sent to Atlantic Recycling, dated 03/05/2024, it was stated:

“Waste deposited into site will be non-hazardous in assessment and continue to be non-hazardous after processing, the wastes do not change from a chemical perspective, but the material will undergo physical processing to remove as much of the recyclable material as possible. We believe given the classification of non-hazardous will remain, as mentioned the physical processing (i.e. shredding/screening/compacting) will not introduce a hazardous component to the material and that is why the Non-Hazardous classification is maintained. With the above statement, we feel it is not necessary to undertake any sampling, testing, and assessment based on these factors.”

The two responses are contradictory and therefore some clarity is required.

Action 1: If you have undertaken sporadic sampling and testing, as mentioned on the 21st of November, please can you provide details of when such sporadic testing took place? Details should include the exact number of sampling and testing that have taken place over the past 6 years (permit condition 4.1.1.1(d)), the dates of the testing, the sampling plans associated with the testing, the laboratory analytical reports and the hazardous waste assessments. Due 14th February 2025.

Action 2: If you haven't done any sampling and testing of the Atlantic Trommel fines in the past 6 years, as suggested in response to the Regulation 61 Notice, then please confirm this. Due 14th February 2025.

Action 3: The requirement to undertake the basic characterisation of waste isn't new. Please

explain why this wasn't undertaken before 2024? Due 14th February 2025.

Waste Processing and Characterisation

Question 8, of the Regulation 61 Notice sent to Neals on the 17/09/2024, was initially answered unsatisfactorily. This question asked Neals to provide the sampling history of the waste classified as 19 12 12 and 170107 that has been removed from the site from the 1st of April 2024 to date. Information should include; laboratory certification and any relevant information supporting this classification as well as tonnages. Neal's response stated *"Please find representative data of these attached to the hyperlink on this email. Again, we are going through an overhaul of the file storage system. [Files](#)"*

The only information that could be found within the hyperlink, relating to this question, was a report on waste labelled 'NSSL Qualifying Fines Data 03-9-2024'. The job name states Neal Soil's Suppliers Limited 20/02/2024 and looks to have been classified on the 3rd of September 2024. This suggested that since the 1st of April, this is the only sampling and analysis of the waste coded 170107 and 191212 that has left the Neal's Soil Supplier's site. Therefore, the following was sent to Neal's for clarification:

"If you haven't undertaken any other sampling and testing of the waste leaving your Neals site coded 170107 and 191212, then please respond to this question by saying this is the case. This will therefore enable me to cease chasing for further information.

If you have undertaken sampling and testing of the waste leaving the Neals site coded 170107 and 191212, since the 1st of April, then please provide it to NRW as required by question 8. In your response, I expect to see the following:

- *The analytical lab's analysis report.*
- *The sampling plan for each round of sampling and testing carried out.*
- *The HazWasteOnline report"*

In response to the above, Neals provided NRW with a link to supporting evidence in addition to the response below:

"19 12 12 – Majority of the materials listed as this is Qualifying Fines going to RML, with a smaller volume being produced (General Waste – paper/card/plastic/fabric) which is sent to ARL for further processing. ("Question 8 Evidence")

17 01 07 – Stone as per question 9 is going to Newport City Council landfill – Materials don't require further testing due to the following conditions. The material classified under EWC code 17 01 07 – Inert Tiles/Bricks/Ceramics is deemed inert and does not require testing under the Landfill Directive. This classification is based on its physical and chemical stability, meaning it does not undergo significant physical, chemical, or biological transformations over time. Inert materials, such as bricks, tiles, and concrete, are non-reactive, do not produce leachates harmful to the environment, and do not pose risks of contamination to soil or groundwater. As such, their inert nature aligns with the criteria set by the Landfill Directive, exempting them from the necessity of testing, provided their composition is confirmed through visual inspection or documented evidence from the source."

According to Neal's returns, 8,396.45 tonnes of waste, coded 170107, has left the site in the years 2022-2024. Neal Soil Supplier's Ltd procedure called Basic Characterisation – Qualifying Fines states "Waste will be from two sources:

- 17 01 07: Hardcore (Ceramics, Bricks, Stone, Concrete) – Inert Materials
- 19 12 12: Fines from processing of C&D wastes (Atlantic Recycling Limited)

Action 4: NRW would like to know why wasn't the 8396.5 tonnes of 170107 over this period, treated? Why are Neal's sending this inert material to a landfill when they have a permit that allows them to treat under an a QP? Due 14th February 2025.

Action 5: Please explain how you currently make sure that this 170101 material doesn't contain any non-inert materials? Due 14th February 2025.

191212 - Basic Characterisation

NRW have received Neal Soil Suppliers' Ltd 'Basic Characterisation for Qualifying Fines' procedure which stipulates how they will characterise their 191212 coded waste using WM3. As the site regulator I have reviewed this procedure against WM3 Appendix D and have a number of follow up questions. Further, questions may be submitted once the relevant NRW specialists have been able to review the document. Neal's 'Qualifying fines' are generated from a treatment process where various wastes from numerous sources are screened, blended and crushed. WM3 states that to gain an understanding of the heterogeneity of the population, the waste will need to be divided into sub-populations. These sub-populations should be physically separated until the results of the testing program are obtained to allow separate actions to be taken as a consequence of different classifications etc. Neal's has employed a daily to weekly sampling regime for their Warrior Fines process. Table 2, below, shows the dates the samples were received by the labs. The actual dates the sampling took place and the quantity of waste they represent wasn't available in the document provided.

Table 2

Batch Number	Contract Number	Date Samples Were Received By The Lab	Batch Number	Contract Number	Date Samples Were Received By The Lab	Batch Number
Batch 0	135339	17th July 24	Batch 10	136147(2)	20th Aug 24	Batch 18
Batch 1	135490-1	23rd July 24	Batch 11	136162(2)	20th Aug 24	Batch 19
Batch 2	135452-1	23rd July 24	Batch 12	136184(2)	21st Aug 24	Batch 20
Batch 3	135451-1	23rd July 24	Batch 13	136269-1	27th Aug 24	Batch 21
Batch 4	135647	29th July 24	Batch 14	24-01963	19th Sept 24	Batch 22
Batch 6	135766(1)	1st Aug 24	Batch 15	24-01963	19th Sept 24	Batch 23
Batch 8	135977-1	8th Aug 24	Batch 16	24-01963	19th Sept 24	Batch 24
Batch 9	136023(1)	20th Aug 24	Batch 17	24-02479	4th Sept 24	Batch 25

Action 6: Please clarify if the labs received the samples on the same dates the samples were

taken?. If they differ, please provide the actual dates the samples were taken. Due: 14th February 2025.

Action 7: Please provide details explaining what volume of waste each of these samples represents. Due: 14th February 2025.

Action 8: Please justify why this number of samples is sufficient? Due: 15th February 2025.

Action 9: Batch 5 and 7 were not provided. Please can you explain why these have been omitted? Due: 14th February 2025.

Neal's have provided two procedures for NRW to review, these are:

- Movement of Waste from NSSL to RML, and
- Basic Characterisation for Qualifying Fines

Both of these documents explain how WM3 will be used to characterise the fines waste so that 191212 or 191211* can be applied to this waste. However, for the material to be designated as qualifying fines it must also undergo loss on ignition testing (LOI). A separate procedure is used for this as the methodology which has to comply with WRA requirements. This hasn't been assessed as part of this audit. However, for LOI, the sample preparations must follow what is prescribed in 6.7.2 of the Excise Notice LFT1 — a general guide to Landfill Tax.

Action 10: Please can you explain how the samples have been prepared for the WM3 testing and whether, like in LOI testing, any certain sized material was removed or ground down? Due: 14th February 2025.

191212 Compliance Testing

Neal's provided another document called Neal Soil Supplier Ltd – Movement of Waste from NSSL to RML. This is concerned with the ongoing compliance testing of the fines from the Warrior process. I have the following observations:

Sample Plan Format:

With regards to your basic characterisation, you have provided a sampling plan in the same format as the example on page D29 of WM3.

Action 11: Please explain why you haven't used the same format for your sampling plan for compliance testing. Due 14th February 2025.

Pre-Acceptance Procedure:

“NSSL will ensure that the waste producer has provided adequate characterisation of their waste and its potential variation if the waste was a result of a production process.” Please bear in mind it is the responsibility of the waste producer to undertake a WM3 waste characterisation assessment since the appropriate EWC code cannot be applied until steps 4 to 7 have been completed. This information, including the representative sampling plan, should be requested by the receiving site as part of their pre-acceptance checks. Neal's should also obtain information on the process producing the waste (including the variability) and the composition.

Sample Size and Type:

Your current sampling plan for compliance testing appears to employ a judgemental approach to sampling. WM3 states that “the consequence of judgemental sampling is that it generates information on a sub-population that cannot be relied upon to be representative of the population or as reliable as probabilistic sampling”.

Action 12: Please explain why a probabilistic sampling approach hasn’t been considered for your ongoing compliance testing. Due 14th February 2025.

Analysis:

In addition to the testing in Table 9.2 of your procedure, NRW, require the following to be included:

- Total sulphate SO₄
- Total phosphate (not “orthophosphate” or soluble phosphates)
- Speciated chromium – total Cr(VI) and Cr(III) by calculation
- Removed material (e.g. “non-grindables” or “inert” materials like lumps metal, stones etc.)
- Acid/alkali reserve (if concrete fragments are present)

Further Processing:

Section 10.2.2. states “*The material on instruction from the site manager shall be moved to the processing area from the quarantine area, the material will then undergo further screening and processing that is permitted under the permit operations.*”

Please bear in mind that any waste that is assessed as being hazardous through appropriate sampling and testing will then have to be treated as hazardous. Therefore, it is essential that any reprocessing complies with the permit and that situations such as the mixing of hazardous waste with non-hazardous waste are avoided (unless permitted).

Approach to Limits:

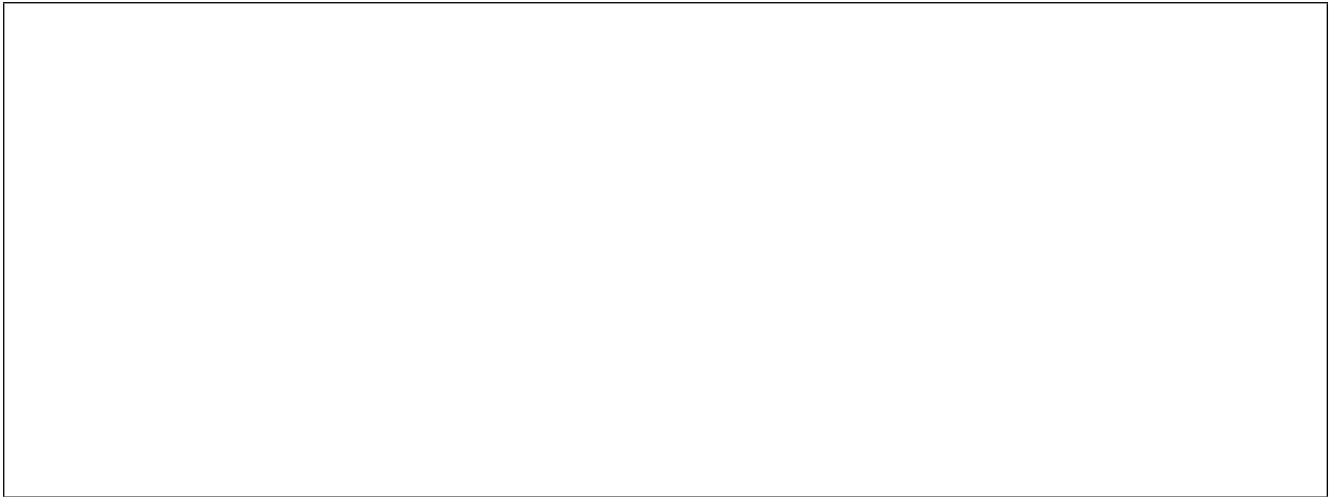
Your procedure will also need to encompass situations where substances or key parameters are approaching hazardous thresholds. Such situations will mean that more intensive compliance sampling and testing may be required.

Statistical Assessments and Sampling Records:

Section 10.1 of your procedure states “*If this first screening test is not met, the results will go forward for more detailed statistical assessment.*” Please bear in mind that NRW will use WM3 Appendix D as a basis for assessing your statistical approach. Therefore this information must be detailed in every sampling report. Your sampling records for each round of sampling and testing should detail the techniques listed below. These will be requested at a future audit.

- The techniques and equipment to be used to take the sample, and the consequences of deviating from this.
- Any requirement to produce composite samples from incremental samples and for subsampling in the field to produce the laboratory sample, and the methods to be used to do so.
- The procedures to be used for packaging, preservation, storage and transport of the sample to the laboratory.

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.