

Compliance Assessment Report CAR_NRW0046315

Permit being assessed: PP3993VS.

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

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

Type of assessment: Site Inspection,

Reason: Routine.

On: 31/12/2024 between 10:00 and 13:00.

Parts of permit assessed: FPMP, Sampling Plan, Annual Returns.

NRW Lead Officer: Lewis Evans, accompanied by Geraint Harris, Kelly Sherratt, Elliot Jones.

Report sent to: Phil Ridley, Director, on 20/02/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2B - Installations - Operations - The site	Action only (X)	
IR2C - Installations - Operations - Operating techniques	C2 Significant	2.3.4 (d) and (e)
IR1A - Installations - Management - General Management	C2 Significant	1.1.1
IR2B - Installations - Operations - The site	Action only (X)	
IR3I - Installations - Emissions and monitoring - Fire	C2 Significant	3.7.1
IR1A - Installations - Management - General Management	C2 Significant	1.1.1
IR3A(1) - Installations - Emissions and monitoring - Emissions to water	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
4	124

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
IR2B	Please complete Actions 1 - 6 by the 27th of March 2025.	27/03/2025
IR2C	Action 8 – Submit a waste sampling plan to include all applicable wastes (Mirror and Absolute entries) to NRW by the 27th of March 2025.	27/03/2025
IR1A	Action 9: Hold and use the accepted sampling plan that will be submitted to NRW for all wastes leaving site.	27/03/2025
IR2B	Action 10: Please submit to NRW details of where this fluff waste will be deposited by the 27th of March 2025.	27/03/2025
IR3I	Action 11: Bring stockpile heights down to 4m levels as referred to in the FPMP guidance. Please submit to NRW a waste reduction plan on how you will reduce waste on site and manage the waste as well as a updated FPMP to align with the NRW/WISH Guidance by the 27th of March 2025.	27/03/2025
IR1A	Operate and manage waste on site in line with the FPMP guidance.	27/03/2025
IR3A(1)	Action 12: Please carry out regular testing on the 'settlement ditch' to ensure no effluent from the site has leached out via the discharge point.	27/03/2025

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

Atlantic Recycling Limited

Permit Reference: EPR/PP3993VS

This compliance assessment report (CAR) is relating to the site visit by Officers Evans and Sherratt of Natural Resources Wales (NRW) to Atlantic Recycling Limited (ARL) on the 18th October 2024. Additionally, this CAR includes details of a Regulation 61 Notice that was sent to ARL on the 3rd May 2024.

The following table contains actions from the previous CAR form (CAR_NRW0044679), along with ARL's responses:

Action	ARL
<p>ACTION 1: Can you provide details on how long this waste has been on site for and the tonnage of this material by the 5th of August 2024.</p>	<p><i>ARL: "The material seen stockpiled in the transfer station at the time of the site visit is incoming, third-party waste which has been partially picked. As documented in the CAR form, the waste seen represented approximately 3-4 days of material. The material is being constantly processed as it arrives and is usually 'turned around' in a week to 10 days. It is not possible to provide a tonnage for this stockpile in isolation."</i></p> <p>NRW: Waste stockpiles seen on the 18th Oct showed a significant amount of waste on the transfer station and Field 1, which was said to be a few weeks in age. Furthermore, when NRW staff arrived in December there was still a significant volume of waste on site.</p> <p>New Action 1: Can you provide NRW with an approximated volume of waste that is on site? This is to provide an approximate figure of waste that is on site. Site can choose how to carry out the survey by the 27th of March. If you require further clarity, please contact the site officer.</p>
<p>Action 2: Please ensure that condition 1.1.1 is complied with and that processing is now being done within the building, please provide evidence of this to NRW by the 5th of August 2024.</p>	<p><i>ARL: "We can confirm that SRF processing is completed inside a building...photo attached."</i></p> <p>NRW: You have not satisfied the requirements of this action, since No photo was attached in the email response.</p> <p>New Action 2: Please re-send the picture of the processing taking place inside by the 27th March 2025.</p>
<p>ACTION 3: Please submit to NRW the Dust Management Plan you hold for site by the 5th of August 2024. 05/08/2024</p>	<p><i>ARL: "IMS16-02 covers the dust management, extract below.</i></p> <p>6.3.2 Fugitive emissions to air (Dust)</p> <p><i>A series of dust mitigation measures will be implemented on site to ensure dust emissions are controlled as far as is practically possible. The measures include:</i></p> <ul style="list-style-type: none"> • <i>Sheeting of vehicles delivering waste to the site (if necessary).</i> • <i>Sheeting of vehicles transporting potentially dusty loads off site.</i> • <i>Use of a mobile tanker to damp down materials stockpiles, vehicle running surfaces, vehicle loads and areas on and around machinery which may give rise to dust, especially during dry and windy conditions; Dousing of dusty waste using a mobile bowser will be carried out when necessary. A vacuum tanker/road sweeper which is owned and operated by the permit holder is used to clean the site access road and highway as required.</i> • <i>Drop heights ALWAYS minimised to prevent dust emissions.</i> • <i>Site operatives will continuously monitor dust emissions visually whilst the site is in operation and will report back to the Site Manager for advice if required. The Site Manager will make a formal visual inspection of dust emissions at least once per week.</i>

	<p><i>Results of monitoring will be entered on the Weekly Checklist or in accordance with IMS12 – Non-Conformance if necessary.</i></p> <ul style="list-style-type: none"> • <i>Stockpile heights kept to the agreed maximum of the procedure IMS14-03 Waste Storage Checklist, these restrictions will mitigate the possibility and effect of fugitive dust emissions on site.”</i> <p>NRW: NRW have received your dust plan and so consider this action complete. We will now review its contents and may audit its effectiveness and use on site at a later date.</p>
<p>ACTION 4: Please confirm the EWC code that is used for this tarmac/asphalt waste and any further information/sampling that proves there are no hazardous material present in the waste by the 5th of August 2024.</p>	<p><i>ARL: “The stockpile of road plannings seen has come into the site under EWC 17 03 02, we have accepted this as tarmac, we don’t have testing for it, however, we will take a series of samples from the stockpile for testing.”</i></p> <p>NRW: Your response implies that no testing has been undertaken on this waste to justify its classification under EWC code 170302.</p> <p>New Action 3: Please provide NRW with any supporting information either from yourselves or the waste producer that helps support this classification. Also please respond with the date this waste arrived onsite by the 27th March 2025.</p>
<p>ACTION 5: Please submit to NRW the information you hold on this waste material on Field 2 by the 5th of August 2024.</p>	<p><i>ARL:” This material is a mixture of part processed, inert soil and stone, it has been in situ for a period exceeding 20 years and is the result of the dry screening/ segregation of inert waste prior to the installation of the current phase 1 and phase 2 MRF’s. It can be seen that we have recommenced processing (refer to CAR_NRW0042523) of this material with a view to clearing field 2 ahead of development. (Planning pending)”</i></p> <p>New Action 4: NRW: Can you provide NRW with an approximation of the tonnage of soil you have on site. This includes the soil on Field 2 and 3 by the 27th of March 2025.</p>
<p>ACTION 6: Please can you submit the log of the movements of the waste located on Field 1 from when it has arrived on site, the timeline of the processing of the waste and the expected departure dates of this material, furthermore the mass balance of current held tonnage by the 5th of August 2024.</p>	<p><i>ARL: “Please refer to Reg 61 Notice dated 22nd July 2024 and our response to same dated 19th August 2024”</i></p> <p>NRW: You have not satisfied this action in full. the picture submitted was of poor quality. It was stated to be empty but this this is not clear the picture that was submitted.</p> <p>New Action 5: Provide NRW with a mass balance of the volume of waste material that is on site (i.e. a snapshot of the volumes on site) by the 27th of March 2025.</p>

<p>ACTION 7: Please provide NRW with evidence of surface integrity checks of the concrete underneath the waste stockpiles, and across the concrete structure on Field 1. To include but not limited to depth, wear, ensure proper run off/ drainage fall to the sealed drainage leachate lagoon by the 5th of August 2024.</p>	<p><i>ARL:</i> "The concrete surface infrastructure on field 1 was subject to a CQA submission which was submitted and subsequently authorised by NRW for use. We have no requirement to completed formal inspections on the surface for damage, however, it is visually inspected regularly, and this is logged in the site diary along with any repairs required. Identified repairs are then completed. We acknowledge that there were superficial, bucket scars and surface cracking apparent at the time of the site visit, but none of these are full depth as to allow a pathway."</p> <p>NRW: Complete. However, it has been noted to site that the integrity of the concrete on the waste transfer station will need to be repaired prior to more waste being stored. Please notify NRW once waste has been removed, for an inspection of the concrete can be made.</p>																																																																																
<p>ACTION 8: Please submit to NRW your Pest Management Plan by the 5th of August 2024.</p>	<p><i>ARL:</i> "IMS 14-01 covers the control of pests. Extract below. 6.3.4 Control of pests, birds, and other scavengers The site will be inspected routinely for the presence of vermin to ensure compliance with the permit conditions and the results recorded on the Weekly Checklist IMS14-01. Where non-conformance was identified, an automatic Corrective Action Form CAF is activated and communicated immediately to relevant operative/managers within the company to ensure that corrective actions are implemented (please see IMS12 and IMS12-02). A recognised pest control contractor will be brought in within 48 hours if any problems are encountered."</p> <p>NRW: Complete</p>																																																																																
<p>ACTION 9: Please submit to NRW screenshots of the temperature probes log for the time of the visit (13th June 2024 between 10am and 2pm) including the evidence of the use of IR CCTV by the 5th of August 2024.</p>	<p><i>ARL:</i></p> <table border="1" data-bbox="507 1377 1037 1904"> <thead> <tr> <th>Probe ID</th> <th>Site</th> <th>Date/ Time</th> <th>Temp oC</th> </tr> </thead> <tbody> <tr><td>38368195</td><td>819</td><td>13/06/2024 09:58:37</td><td>53.0</td></tr> <tr><td>38368420</td><td>819</td><td>13/06/2024 10:13:39</td><td>54.2</td></tr> <tr><td>38368683</td><td>819</td><td>13/06/2024 10:28:37</td><td>54.8</td></tr> <tr><td>38368965</td><td>819</td><td>13/06/2024 10:43:35</td><td>55.2</td></tr> <tr><td>38369227</td><td>819</td><td>13/06/2024 10:58:36</td><td>55.4</td></tr> <tr><td>38369490</td><td>819</td><td>13/06/2024 11:13:38</td><td>55.5</td></tr> <tr><td>38369761</td><td>819</td><td>13/06/2024 11:28:35</td><td>55.6</td></tr> <tr><td>38370035</td><td>819</td><td>13/06/2024 11:43:34</td><td>55.7</td></tr> <tr><td>38370307</td><td>819</td><td>13/06/2024 11:58:33</td><td>55.8</td></tr> <tr><td>38370550</td><td>819</td><td>13/06/2024 12:13:37</td><td>55.8</td></tr> <tr><td>38370827</td><td>819</td><td>13/06/2024 12:28:37</td><td>55.9</td></tr> <tr><td>38371081</td><td>819</td><td>13/06/2024 12:43:38</td><td>55.9</td></tr> <tr><td>38371320</td><td>819</td><td>13/06/2024 12:58:37</td><td>56.0</td></tr> <tr><td>38371580</td><td>819</td><td>13/06/2024 13:13:37</td><td>55.9</td></tr> <tr><td>38371856</td><td>819</td><td>13/06/2024 13:28:35</td><td>56.0</td></tr> <tr><td>38372112</td><td>819</td><td>13/06/2024 13:43:37</td><td>56.0</td></tr> <tr><td>38372377</td><td>819</td><td>13/06/2024 13:58:38</td><td>56.0</td></tr> <tr><td>38372644</td><td>819</td><td>13/06/2024 14:13:38</td><td>56.1</td></tr> <tr><td>38372917</td><td>819</td><td>13/06/2024 14:28:34</td><td>56.1</td></tr> </tbody> </table> <p>NRW: We consider this action complete. Further to the above NRW are aware that thermal imaging drones are utilised by the ARL.</p>	Probe ID	Site	Date/ Time	Temp oC	38368195	819	13/06/2024 09:58:37	53.0	38368420	819	13/06/2024 10:13:39	54.2	38368683	819	13/06/2024 10:28:37	54.8	38368965	819	13/06/2024 10:43:35	55.2	38369227	819	13/06/2024 10:58:36	55.4	38369490	819	13/06/2024 11:13:38	55.5	38369761	819	13/06/2024 11:28:35	55.6	38370035	819	13/06/2024 11:43:34	55.7	38370307	819	13/06/2024 11:58:33	55.8	38370550	819	13/06/2024 12:13:37	55.8	38370827	819	13/06/2024 12:28:37	55.9	38371081	819	13/06/2024 12:43:38	55.9	38371320	819	13/06/2024 12:58:37	56.0	38371580	819	13/06/2024 13:13:37	55.9	38371856	819	13/06/2024 13:28:35	56.0	38372112	819	13/06/2024 13:43:37	56.0	38372377	819	13/06/2024 13:58:38	56.0	38372644	819	13/06/2024 14:13:38	56.1	38372917	819	13/06/2024 14:28:34	56.1
Probe ID	Site	Date/ Time	Temp oC																																																																														
38368195	819	13/06/2024 09:58:37	53.0																																																																														
38368420	819	13/06/2024 10:13:39	54.2																																																																														
38368683	819	13/06/2024 10:28:37	54.8																																																																														
38368965	819	13/06/2024 10:43:35	55.2																																																																														
38369227	819	13/06/2024 10:58:36	55.4																																																																														
38369490	819	13/06/2024 11:13:38	55.5																																																																														
38369761	819	13/06/2024 11:28:35	55.6																																																																														
38370035	819	13/06/2024 11:43:34	55.7																																																																														
38370307	819	13/06/2024 11:58:33	55.8																																																																														
38370550	819	13/06/2024 12:13:37	55.8																																																																														
38370827	819	13/06/2024 12:28:37	55.9																																																																														
38371081	819	13/06/2024 12:43:38	55.9																																																																														
38371320	819	13/06/2024 12:58:37	56.0																																																																														
38371580	819	13/06/2024 13:13:37	55.9																																																																														
38371856	819	13/06/2024 13:28:35	56.0																																																																														
38372112	819	13/06/2024 13:43:37	56.0																																																																														
38372377	819	13/06/2024 13:58:38	56.0																																																																														
38372644	819	13/06/2024 14:13:38	56.1																																																																														
38372917	819	13/06/2024 14:28:34	56.1																																																																														

<p>ACTION 10: Can you confirm to NRW, where this green waste is sent for disposal/recovery by the 5th of August 2024</p>	<p>ARL: <i>“This material has now been processed and removed from site...it has been transferred to John Brook Timber Treatment Ltd, Telford.”</i></p> <p>NRW: Complete</p>
<p>Action 11: Take representative samples of the liquid held in ditch, as pictured above and submit the independent analysis to NRW. Additionally, can you provide to NRW an assessment on how the storage ditches meets the requirements of Ciria736. This should be submitted to NRW by the 2nd of September</p>	<p>ARL: <i>“Please find attached a copy of the water analysis and classification report.”</i></p> <p>NRW: Report states that the liquid was EWC 16 10 02. No evidence was submitted on an assessment on how the storage ditch meets the requirements of Ciria736.</p> <p>New Action 6: With regards to the water sampling, can you confirm where and how you took the sample? Please can you provide information on how this is met. Additionally, how the storage ditch meets Ciria736 by the 27th of March 2025.</p>

Regulation 61 Notice (03/05/2024)

On the 3rd of May 2024, NRW sent a Regulation 61 Notice to ARL requesting information on the sampling history of mirror non-hazardous wastes that leave site, in particularly waste code 191212. Furthermore, NRW requested the sampling plan ARL hold, to aid them to identify the appropriate waste code for the waste.

The following is the response that ARL had provided to NRW:

“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.”

As explained above by ARL, it is clear they did not hold a sampling plan to determine the composition, hazardous properties and therefore the correct waste code for the waste that has been removed from site. There has been no evidence to show that any routine sampling has taken place by ARL to identify the correct waste code for the waste. Within the WM3 guidance on page 7, step 4 describes the process

on how to determine the chemical composition of the waste i.e. whether or not the waste is hazardous. It goes on to describe what operators should do if they do not know the composition of the waste. Within this section WM3 states the following; “Where the composition of a mirror entry waste is not known and genuinely cannot be determined the mirror entry waste must be classified under the ‘mirror hazardous’ entry.” Therefore, as ARL cannot evidence with chemical composition analysis, or any other analysis of the waste, ARL cannot code the 191212 waste as such and will need to be 191211*. Reviewing the waste returns that ARL have submitted to NRW since it became an installation permit from a waste permit, no 191211* waste codes have been identified.

Therefore, as ARL have removed waste from site under the potentially incorrect waste code as they have not sampled/analysed the waste the following permit condition has been breached:

2.3.4 *“The operator shall ensure that where waste produced by the activities is sent to a relevant waste operation, that operation is provided with the following information, prior to the receipt of the waste:*

(a) the nature of the process producing the waste;

(b) the composition of the waste;

(c) the handling requirements of the waste;

(d) the hazardous property associated with the waste, if applicable; and

(e) the waste code of the waste.

The following are wastes that have been removed from ARL under a mirror non-hazardous entry from 2020 to Q3 2024;

12 01 07 – 12.92 tonnes
17 01 07 – 51,247.40 tonnes
17 02 01 - 22.56 tonnes
17 02 02 – 27.40 tonnes
17 02 03 – 350.56 tonnes
17 04 07 – 181.20 tonnes
17 08 02 – 13,422.38 tonnes
19 07 03 – 2,417. 00 tonnes
19 10 06 – 11.86 tonnes
19 12 07 - 42,670.05 tonnes
19 12 12 – 413,678.47 tonnes
20 01 38 – 36.16 tonnes.

This means, as reported by ARL, a total of 524,077.96 tonnes of mirror non-hazardous waste has left site compared with 0-tonnes of mirror-hazardous waste left site from 2020. This is a significant amount of waste which has left site and as this has not been sampled/analysed, and therefore ARL cannot guarantee that this waste has been assigned the correct EWC. As a result of this, a **Category 2** will be scored against permit condition 2.3.4. (d) and (e).

As with all non-compliances, the root cause must also be identified, assessed and scored on its own merits. The root cause of the above non-compliances is likely a symptom of deficiencies within your

environment management system (EMS). Your EMS should ensure that procedures are in place that reflect the requirements of your permit, specifically in this case for a sampling plan to be held. As such, the following non-compliance will be issued.

Permit condition 1.1.1 states “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.”

It is evident that during these past 5 years you have not had a sampling plan or adequate procedures, within your EMS, which adequately characterises your waste in accordance with permit condition 2.3.4. (d) and (e). As the operator does not hold a sampling plan, there is a potential significant risk to the environment with hazardous wastes being mixed in with non-hazardous wastes or wastes being deposited to landfill which are not suitable to accept the wastes.

This is considered to be the root cause of the non-compliance with condition 2.3.4 (d) and (e), and has been assessed as posing a major risk to the environment for the same reasons already set out above.

ACTION 7 – Submit a waste sampling plan to include all applicable wastes (Mirror and Absolute entries) to NRW by the 27th of March 2025.

Therefore, a **Category 2** non-compliance is issued for the management system failing to implement the requirements of the permit. This is due to the fact that ARL do not hold a sampling plan to determine and classify the correct EWC to the waste. This is a breach of permit condition 1.1.1(a). It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit.

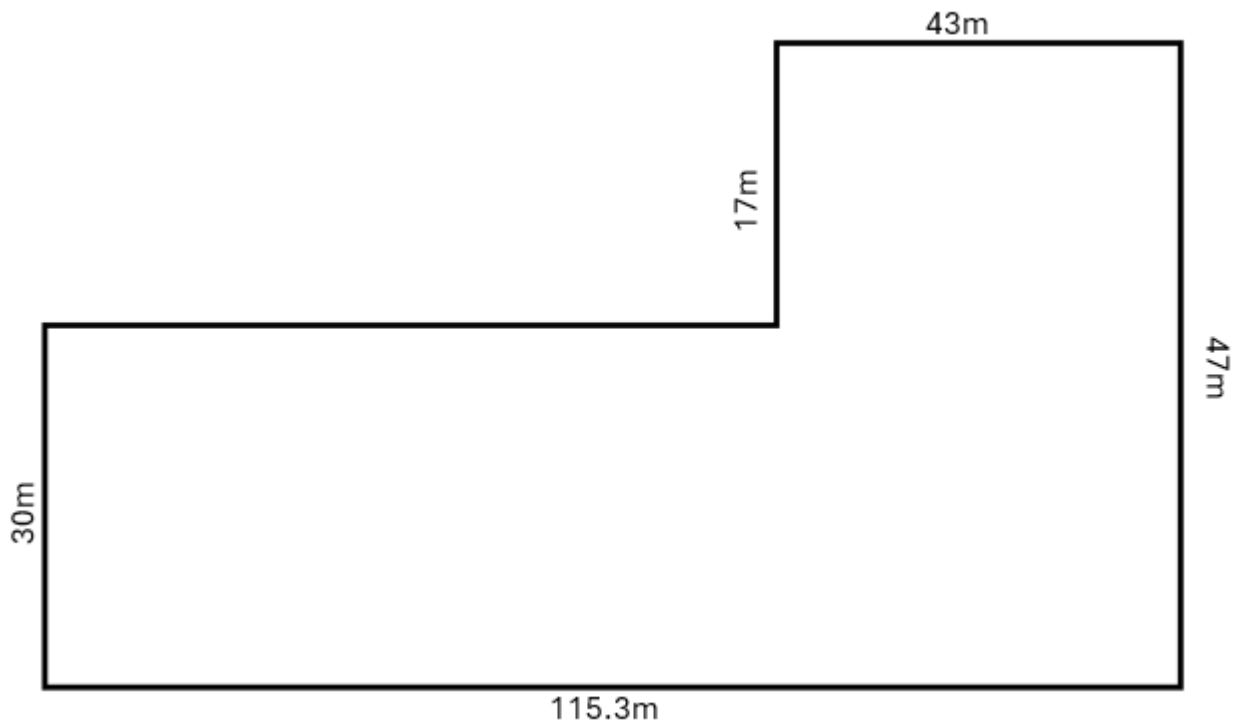
Subsequently, a Regulation 36 was sent to ARL requesting a sampling plan to be submitted to NRW. The sampling plan was submitted to NRW on the 28th of October 2024. The document that was submitted is more of a procedure on how the site is intending to do the sampling and not a sampling plan itself. On the 7th of January 2025, ARL submitted four documents to NRW which were the following:” ARL Basic Characterisation – General Waste”, “ARL – Movement of Waste from ARL to RML”, “ARL Basic Characterisation – MRF Stone” and “Procedure for Determining Batch Methane Gas Concentration of General Wastes Destined for RML Withyhedge Landfill Site, Cell 9”. These documents demonstrate how ARL will sample and classify the waste material being moved from ARL to RML Withyhedge Landfill. The documents have yet to be reviewed and any comments will be submitted to ARL when ready.

Action 8: Hold and use the accepted sampling plan that will be submitted to NRW for all wastes leaving site by the 27th March 2025.

18th October 2024

The visit on the 18th of October was targeted at the waste transfer station and Field one. Upon arriving to site, Officer Evans and Sherratt met the Group Technical Manager and one of the Directors of the Dauson Environmental Group who accompanied the NRW officers around the site.

The most significant observation of the visit was the amount of waste being stored on the transfer station. Approximate measurements were taken of the stored waste. These dimensions are approximated in the drawing below. With regards to the height of the waste stockpile, this was not measured on the day, however, it was approximately over 8m in height.





The two pictures above are of the waste stored on the transfer station at ARL.

The waste stockpile also had “fluff” waste which was said to be destined for landfill. However, upon visual inspection of the waste, it appeared to contain a high percentage of wood and metal which will not be able to be accepted at a landfill without further processing to remove such materials.

Action : This waste should not be used as ‘fluff’ material to be used at landfill. Please arrange other outlets for this to be deposited.

Since the visit on the 18th Oct, ARL have confirmed that this waste has been diverted elsewhere. Can you now provide evidence showing that this is the case.

New Action 9: Please submit to NRW details of where this fluff waste will be deposited by the 27th of March 2025.

Field 1

Field 1 contained waste that was being stored for further processing. There were 3 stockpiles running the length of the field (approx. 190m measurements taken from Google Maps.) There were no fire breaks along the length of the stockpile.



ARL's own Fire Prevention and Mitigation Plan (FPMP) states that waste will be no more than 6m high and 20m in width. The waste stockpiles on the transfer station, which were measured on the visit, were between 30m to 47m in width which is a breach of ARLs own FPMP. The height of the stockpiles were not measured but it can be estimated that they are more than 6m in height. This is a breach of permit condition:

3.7.1 "The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention and mitigation plan guidance"

The FPMP is a document that is required by the permit to be held by a site such as ARL to minimise the risk and likelihood of a fire occurring from the waste. Your FPMP forms part of your management system. It sets out the fire prevention measures and procedures you must put in place and use on your site. Your fire prevention plan should be a standalone document within your management system so that you and your staff can easily refer to it. If a fire were to occur on site, the potential environmental impact would be significant from air quality breaches and from the firewater that would be used to put out the fire. As ARL's water treatment plant is not operational at this time, fire water would leave site untreated and enter the SSSI rean system surrounding the site. Additionally, due to the amount of waste on site, there is little to no room for waste to be moved to a suitable quarantine area with impermeable surface. ARL would move the waste to a permeable surface which itself poses a risk of

leachate from the waste entering the ground. The Fire and Rescue Service (FRS) visited the site on the 9th of December 2024 to observe how the waste that is being managed and stored on site and the procedures in place in the event of a fire taking place.

Due to the increased fire risk posed by the exceeding height and widths of the stockpiles and the significant environmental impact from a potential fire from the significant amount of waste that is held on site which would cause deterioration in the air quality from the waste, a **Category 2** non-compliance will be scored against this permit condition.

As with all non-compliances the root cause must also be identified, assessed and scored on its own merits. The root cause of the above non-compliances likely a symptom of deficiencies within the environment management system (EMS). The EMS should ensure that procedures are in place that reflect the requirements of the permit, and that waste storage is in line with the FPMP.

You did not follow your FPMP procedure, which forms a part of your EMS. This is considered to be the root cause of the non-compliance with condition 3.7.1 and has been assessed as posing a major risk to the environment for the same reasons already set out above.

Therefore, a **Category 2** non-compliance is issued for the management system failing to implement the requirements of the FPMP. This is a breach of permit condition 1.1.1(a). It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit.

Action 10: Bring stockpile heights down to 4m levels as referred to in the FPMP guidance. Please submit to NRW a waste reduction plan on how you will reduce waste on site and manage the waste as well as a updated FPMP to align with the NRW/WISH Guidance by the 27th of March 2025.

Action 11: Operate and manage waste on site in line with the FPMP guidance.

Visit on the 21st November 2024

During the visit on the 21st November 2024, NRW officers Evans, Sherratt, Harris, Morgan and Jones attended. The purpose of this visit was for officers Morgan and Jones to observe the activities on ARL and Neal soils and to see which waste streams were destined for Withyhedge landfill, a site which they regulate.

Overall, the waste stockpiles were observed to be very high on the transfer station and on Filed 1. Some waste has been removed from the large stockpile on the transfer station as well as the ‘fluff’ waste that was seen on the previous visit. This, according to ARL, is to be sent for incineration at two different sites in England.

On the SRF yard, there was a significant amount of healthcare waste seen outside on the yard. The picture below shows some dark waste and a lighter waste. The darker waste was said to be processed waste and the lighter blue waste is the healthcare waste that’s treated by ARL. This can be seen in the picture below.



During the inspection of the SRF area, stockpiles of screened material were observed under each of the conveyors (pictured below). This suggests that the healthcare material is continuing to be processed outside, which is not permitted. ARL have recently been issued a non-compliance score for undertaking such activities outside, since no processing was being undertaken at the time of the visit no non-compliance will be issue. However, this is something we will continue to inspect and will take further action if it's found that ARL are not abiding by their permit.



Annual Returns

ARL submitted their annual returns to NRW on the 28th of January 2025. The following is from the performance 1 reporting forms.

<u>Parameter</u>	<u>Units</u>
Annual quantity of SRF/RDF treated/produced	14,519.01tonnes

The water treatment system has not been commissioned and therefore not operating at this time. Therefore the site have not submitted any water treatment reporting. It has been noted that there is a pipe that connects from site to the settlement ditch on near Newton Road (opposite to the weighbridge). Waste material has been seen in the ditch, additionally, leachate has been seen on Field 1 where there is a pipe that directly connects to the 'settlement ditch'. This is said to be locked and no discharge. However, there is a the *potential* for this liquid to seep into the ditch. Therefore, to ensure no pollution is entering the ditch, regular testing should be done to confirm no pollution has entered.

Action 12: Please carry out regular testing on the 'settlement ditch' to ensure no effluent from the site has leached out via the discharge point.

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.