

Compliance Assessment Report CAR_NRW0048093

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: Audit,

Reason: Routine.

On: 11/04/2025.

Parts of permit assessed: 1.1.1.

NRW Lead Officer: Geraint Harris.

Report sent to: Group Technical Manager , Group Technical Manager , on 09/05/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Installations - Management - General Management	Action only (X)	
IR1A - Installations - Management - General Management	Action only (X)	
IR1A - Installations - Management - General Management	Action only (X)	
IR1A - Installations - Management - General Management	Action only (X)	
IR1A - Installations - Management - General Management	Action only (X)	
IR1A - Installations - Management - General Management	Action only (X)	
IR1A - Installations - Management - General Management	C2 Significant	1.1.1

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

Total non-compliances recorded	Total non-compliance score
1	31

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
IR1A	Action 1: Please provide NRW with a procedure for how you will ensure you receive all of the correct information from waste producers as highlighted above and how you will store this information within your document management system going forward. Due the 9th of May 2025.	06/06/2025
IR1A	Action 2: Please provide an explanation as to why the trommel fines from Atlantic require further processing at NSSL, considering that both sites use screens of the same size. Additionally, outline the benefits of undertaking this further processing. Due: 9th May 2025	06/06/2025
IR1A	Action 3: Please clarify why this Phase 1 material is being sent to NSSL instead of being disposed/removed from site directly. Due 9th of May 2025.	06/06/2025
IR1A	Action 4: Please confirm if NSSL receives waste coded 170107 from Atlantic Recycling and what process generates it? Due 9th of May 2025.	06/06/2025
IR1A	Action 5: please explain how this 191209 waste is generated at Atlantic Recycling and why it isn't classified as 191212 or 191211*. Due 9th May 2025.	06/06/2025
IR1A	Action 6: Please explain why NSSL's waste acceptance procedures didn't identify that this waste should be 191212 or 191211*? Due 9th May 2025.	06/06/2025
IR1A	Undertake basic characterisation and compliance sampling plan, demonstrating appropriate representative sampling and testing, in accordance with WM3 Appendix D, the Trommel Fines at Atlantic,	Already completed

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

Waste Acceptance Audit

As outlined in the Compliance Assessment Report (CAR Form) CAR_NRW0044640, as Neal Soil Supplier Ltd.'s (hereafter NSSL) new regulatory officer, my initial focus was on understanding

NSSL's procedures for accepting, handling, and removing waste from the site. NSSL processes large volumes of mirror entry waste and therefore has a legal duty to determine whether such waste is hazardous or non-hazardous. A waste code cannot be assigned until steps 4 to 7 of the WM3 guidance have been completed. Furthermore, if the composition of a mirror entry waste cannot be determined, it must be classified under the 'mirror hazardous' entry. Given this, an audit of their waste acceptance, waste characterisation procedures, and practices was deemed necessary.

To do this review, I requested copies of the following documents:

- Waste sampling procedures.
- Waste Pre-Acceptance Procedures.
- Waste coding procedures.
- A list of completed WM3 reports of accepted and exported materials/wastes going back as far as July 2022.
- Copies of WM3 reports for all mirror entry wastes that left the site since July 2022.
- Training Records of staff on site – particularly the ones that carry out the testing, acceptance, and waste coding procedures.

In response to this CAR Form, Neals provided the following documents:

- WI10 - On Site Sampling and Testing Work Instruction
- WI01 - Waste Pre-Acceptance and Acceptance Procedures
- Chemical Report – Output example (Final Analytical Test Report Supplement to Test Report 24/01207/1 - date: 19th February, 2024)
- WM3 Report - Qualifying Fines
- Hazardous Waste Classification Refresher Certificate for two members of staff

NSSL's Environmental Management System (EMS) should include procedures to identify and minimise pollution risks from their waste activities. These procedures must ensure that inappropriate waste types are not accepted for storage, treatment, or disposal. Operations must be conducted in line with the EMS, as outlined in Permit Condition 1.1.1. NSSL's pre-acceptance and acceptance procedures form part of the EMS and records should be kept to demonstrate compliance with the permit and Best Available Techniques (BAT). It is the responsibility of NSSL's suitably qualified or competent person(s) (as per Permit Condition 1.1.1(b) and BREF section 2.3.2.1) to conduct these pre-acceptance checks. They are also responsible for arranging additional sampling and testing (verification) if the information provided by third parties is unclear or ambiguous and to periodically spot-check to ensure the waste is as expected. This audit was carried out to assess whether NSSL were effectively performing these pre-acceptance checks.

NSSL's work instruction (WI01) outlines the procedures for waste acceptance. In Section B, "Pre-acceptance Screening," responsibility is assigned to NSSL's designated qualified personnel to ensure compliance with and implementation of these procedures. According to this section, NSSL's personnel are required to request the following information from all customers before scheduling waste acceptance:

- Type of process producing the waste / specific process from which the waste was derived (Process SIC Code where appropriate) and including potential variability of the process, if relevant.
- Quantity of waste to be delivered/collected.
- The composition of the waste including chemical (and biological if appropriate) analysis of hazardous and non-hazardous waste; and if appropriate and where available for inert waste.
- The physical form of the waste material.

- Hazards associated with the waste (and any specific handling/storage requirements).
- Waste EWC Code.

This section of this work instruction also states that

“It is the responsibility of the suitably qualified/trained person(s) to 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. The producer in most cases will be able to supply Neal Soil Suppliers Limited with adequate SI reports containing UKAS Laboratory chemical analysis. This will be used by the suitably qualified/trained person(s) or consultants to provide the necessary classification and suitability checks for on-site acceptance. Neal Soil Suppliers Limited will carry out their own additional sampling and testing or request further investigation if they do not consider the provided information to be adequate. This will be undertaken in a UKAS/MCerts accredited laboratory.”

Action 4 from CAR_NRW0044640 was issued to NSSL as a way of ascertaining if NSSL were complying with their waste acceptance procedures as required by their permit. However, NSSL's response to this action was insufficient, as NSSL only provided an example of one WM3 lab report and one HazWasteOnline (HWOL) report for their "qualifying fines" waste. This material, which NSSL refers to as qualifying fines, is generated onsite through NSSL's Warrior processing system. The resulting finer fraction, labelled qualifying fines, is sent to Withyhedg Landfill for disposal and is classified as waste code 191212.

This CAR Form specifically requested:

1. A comprehensive list of completed WM3 reports for all accepted and exported materials/wastes dating back to July 2022.
2. Copies of WM3 reports for all mirror entry wastes that left the site since July 2022.

Since NSSL failed to provide this complete information, Action 4 was deemed incomplete. While Section B of NSSL's work instruction WI01 reflects the permit requirements, their insufficient response failed to demonstrate that this procedure was being properly implemented in practice. As a result, a Regulation 61 Notice for further information was issued to NSSL on 17/09/2024. In addition to other information requests, the following specific requests were put to NSSL in the Regulation 61 Notice:

5. Neal Soils Waste Pre-acceptance and Acceptance Procedures (document WI01, page 2) states that “It is the responsibility of the suitably qualified/trained person(s) to 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”. Permit condition 1.1.2 requires operators keep records demonstrating compliance with permit condition 1.1.1 be maintained. In order to demonstrate that you are complying with permit condition 1.1.2 please respond to this notice with copies of the waste characterisation that the waste producers have provided Neal Soil Suppliers Ltd since the 1st of April 2024 for the following wastes:

EWC Code
010408
170107
170504
170506
170904

191212

191212

6. Neal Soils Waste Pre-acceptance and Acceptance Procedures (document WI01, page 2) states “Neal Soil Suppliers Limited will carry out their own additional sampling and testing or request further investigation if they do not consider the provided information to be adequate. This will be undertaken in a UKAS/MCerts accredited laboratory”. In order to demonstrate that you are complying with permit condition 1.1.2 please provide copies of the results of Neal Soil Suppliers Ltd own additional sampling and testing for the following waste codes received since the 1st of April 2024. Please provide the results of any further investigations undertaken since 1st of April 2024.

EWC Code
010408
170107
170504
170506
170904
191212

Since NSSL failed to satisfactorily address Action 4 of CAR_NRW0044640, Questions 5 and 6 were included in the Regulation 61 Notice. Due to the significant volumes of waste processed by NSSL's facility, the reporting timeline requirement was reduced from "since 2022" to "since April 1st, 2024."

NSSL's response to this Regulation 61 Notice, submitted on October 17, 2024, was insufficient. The attached files included non-functional links, and after being informed of the issue, NSSL provided an alternative link on October 21st, 2024. This new link granted access to a folder containing numerous files. After a thorough review of the documents, an email was sent requesting additional information to fully address the requirements of the Regulation 61 Notice. This email was sent on November 8th, 2024, and the key points are outlined below:

With regards to Regulation 61 Notice, question 5, sent to Neal Soil Supplier's (repeated above), no waste characterisation undertaken by Atlantic Recycling for the trommel fines designated 191212 could be found. This is significant since they are a substantial provider of waste to the Neal's site.

In a response to a Regulation 61 Notice sent to Atlantic Recycling, 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.” In response to this, the following was put to NSSL's via email:

1. Taking into consideration your response above and the lack of any evidence in the files you provided, please confirm that none of the waste designated 191212 received from Atlantic has undergone any testing and sampling in accordance with WM3 by the waste

disposer (in this instance Atlantic Recycling)?

2. *Taking into consideration your response to Q6 and the lack of any evidence in the files you provided, please confirm that none of the waste designated 191212 received from Atlantic has undergone any testing and sampling in accordance with WM3 by Neal Soil Supplier Ltd?*
3. *Other than Egan Waste, please confirm that none of the 191212 waste received from suppliers other than Atlantic, has undergone testing and sampling in accordance with WM3 by Neal Soil Supplier Ltd?*

NSSL responded stating that: *“Given the latest updates regarding a site visit, we feel it would be better suited to discuss your queries in the Dauson Board room following the discussions around RML.”*

During the site visit on November 21st, 2024, NSSL informed NRW that approximately 30 weeks of sampling and testing had been carried out on the trommel fines from Atlantic. It was also mentioned that prior to this 30-week period, sampling and testing was sporadic. This 30 weeks of sampling and testing was requested during the meeting. However, by early December, no documentation had been provided, and several critical pieces of information required to fulfil the Regulation 61 Notice were still missing. Consequently, a formal letter was sent to NSSL on December 3rd, 2024, outlining that the Regulation 61 Notice hadn't been satisfied with a request for the outstanding information. The key points are outlined below.

NSSL's original response to Question 5 demonstrated significant inconsistencies. The files provided via the link sent to NRW as part of their notice response lacked uniformity in documentation. Some operators included both laboratory reports and HWOL assessments, while others submitted only HWOL assessments. Notably, none of the folders contained sampling plans for any of the waste that had been sampled and tested. Proper basic waste characterisation requires three essential components:

1. A comprehensive sampling plan
2. The complete analytical report
3. The hazardous waste assessment (e.g., HWOL)

These components are crucial for establishing confidence that waste received at NSSL has been correctly characterised. Additionally, the response files contained no evidence a basic characterisation including sampling or analysis was conducted by Atlantic Recycling Ltd for the trommel fines classified as 191212, which are subsequently processed at NSSL. This omission was deemed significant because Neal's processes substantial volumes of waste from the Atlantic site through their Warrior treatment system. The lack basic characterisation and subsequent compliance testing via proper sampling and analysis for these materials represents a critical gap in the waste characterisation process.

As outlined in NSSL's Work Instruction (WI01), it is the responsibility of the appropriately qualified and trained personnel to ensure that the waste producer has provided adequate characterisation of their waste and its potential variations. If this information is deemed insufficient, WI01 further specifies that NSSL will conduct verification sampling and testing, or request further investigations if the provided data is considered inadequate. Such actions will be carried out at a UKAS/MCerts accredited laboratory. In light of this, Question 6 of the Regulation 61 Notice was issued to NSSL to determine whether they had been carrying out any independent sampling and testing (verification testing).

Within their response, NSSL provided a hyperlink with representative data, stating: "Please find representative data attached to the hyperlink on this email. Please note that this links to our intermediate file storage area; kindly avoid making any changes in this location." However, similar to the issue with Question 5, the initial link failed to work. A corrected link was sent on October 21st 2024. Upon reviewing the files provided in the new link, it was difficult to determine whether NSSL had carried out any of their own verification sampling or testing, or if they had requested further investigations on incoming waste. It therefore remained unclear whether NSSL relied solely on the information provided by their waste suppliers. Furthermore, none of the files provided in response show any verification sampling or analysis conducted by NSSL on the trommel fines, labelled 191212, which originate from Atlantic Recycling.

Regarding Questions 5 and 6 of the Regulation 61 Notice, the following requests were addressed to NSSL in a letter dated December 3, 2024.

- *On the site visit on the 21st of November, 'Neal's stated that approximately 30 weeks of sampling and testing of the trommel fines from Atlantic had been undertaken. Therefore, in order to satisfy question 5 of the Regulation 61 Notice, please provide the waste characterisations of the trommel fines for the past 30 weeks. These should include:*
 - *The analytical labs analysis report.*
 - *The sampling plan for each round of sampling and testing carried out.*
 - *The HazWasteOnline report.'*
- *To satisfy question 6, please provide the following evidence of the Neal's own additional sampling and testing for the waste codes listed in the table above (Q6). Evidence should include:*
 - *The analytical labs analysis report.*
 - *The sampling plan for each round of sampling and testing carried out.*
 - *The HazWasteOnline report*
- *If such sampling and testing or requests for further investigations haven't taken place on incoming waste streams since the 1st of April 2024 then please confirm this.*

On December 20th, 2024, NRW received a response via email, which will be addressed in due course. In relation to Regulation 61 Notice, question 5, NSSL provided the following response:

Question 5 – 'Summarised' Please provide the waste characterisations for the 30 weeks of testing on the "Fines" entering Neal Soil Suppliers Limited from Atlantic Recycling Limited.

Response: "The sampling plan is in line with the attached document, "Sampling Plan – ARL." Data has been attached, showing all reports with supporting HWOL files (referred to as "Question 5 Evidence")."

Question 6 – 'Summarised' Please provide an example(s) of where NSSL have requested further analysis or undertaken additional analysis on behalf of the producer.

Response :

1. *"It is normal practice for NSSL to request the data as part of the enquiry process, however with many of the customers already supplying the data sets from recognised consultancies (Terraforma, Arcadis, RSK, RPS Tetrattech, etc), this is very rare. We have provided 'some' examples of where we are discussing the requirement for data. If no data can be provided and*

no additional samples can be taken by either the producer or NSSL then the enquiry is closed, and the waste is not deposited at NSSL.

2. *Email Examples shows in Attached Folder (“Question 6 Evidence”)*
3. *Further example of what/how we process enquiries can be seen on the enquiry from the NRW emergency clean up teams (John Southall), we had an enquiry from the team requesting support on assessing suitability of waste to come from a clean-up where an unknown oil has been poured into a riverbank. The process can be seen in the folder for question 6 “Contaminated Vegetation”.*

The response to question 5 included 24 laboratory reports titled *Warrior Inputs*, along with their associated hazard assessment reports (HWOL reports). To understand what Warrior Inputs refers to, we must review NSSL’s Basic Characterisation – Qualifying Fines procedure, which was sent to NRW on January 7th, 2025. This procedure describes the basic characterisation and classification of the outgoing waste known as Warrior Fines. However, NSSL state that *“for the purpose of this objective and conclusions, they are referred to as Qualifying Fines (as per the WRA Guidance).”* Within this document, NSSL outlines their sampling plan for this specific outgoing waste stream. In addition to sampling the outputs (Warrior Fines), Neal’s also sampled the inputs to the Warrior process. According to their sampling plan, these input materials were *“taken from the main inbound tipping area in line with site operations.”* The same plan specifies that the waste originates from two sources:
“17 01 07: Hardcore (Ceramics, Bricks, Stone, Concrete) – Inert Materials
19 12 12: Fines from processing of C&D waste (Atlantic Recycling Limited)
The inputs are consistent, and throughput volumes are regular. The waste from the process is a small fraction of the total input by weight, as much of the material is recovered during processing.”

These 24 lab reports and hazardous waste assessments provided on December 20th, in response to question 5, are identical to those for the inbound material described above. The report and batch numbers match, as does the analysis. Therefore, Neal’s response does not fully satisfy question 5 of the Regulation 61 Notice. No specific analysis of the Atlantic fines material has been provided. The Warrior Fines input material is a mixture of various materials, which cannot be used to characterise the Atlantic fines waste. However, at this point Atlantic Recycling had not provided NSSL and NRW with any evidence that a basic characterisation or compliance testing of their trommel fines had ever been conducted. However, It was mentioned, on the 21st of November, that prior to this 30 week period, sampling and testing was sporadic. Consequently, Actions 1 and 2 in CAR Form CAR_NRW0046092 were put to Neal’s.

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 of 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 of February 2025.

In response, Neal’s stated:

“Action 1: Testing data is available from samples taken previously at NSSL. Appendix 1

includes files containing 49 laboratory test results for samples taken between 16th of March 2022 and 22 March 2024.

This dataset is in addition to the data used in the current WM3 Classification Document for the NSSL Fines. Table of samples and test results:

- *16/03/22 – 12/04/22 Decus 5653 8 Samples All Non-hazardous*
- *16/11/22 – 06/12/22 Decus 6379 10 Samples All Non-hazardous*
- *24/04/23 – 28/04/23 Decus 6688 6 Samples All Non-hazardous*
- *29/08/23 – 31/08/23 Chemtech 126387 6 Samples All Non-hazardous*
- *11/12/23 - 15/12/23 EnviroLab 24-00933 5 Samples All Non-hazardous*
- *29/01/24 – 01/02/24 EnviroLab 24-01207 9 Samples All Non-hazardous*
- *18/03/24 – 22/03/24 EnviroLab 24-03583 5 Samples All Non-hazardous*

The above table can be summarised as follows: 16/03/22 – 22/03/24 Various 49 Samples All Non-hazardous Appendix 2 contains the hazardous waste assessments for the 49-laboratory test certificates and demonstrates that the waste stream samples is consistently Non-hazardous, with all 49 samples being classified as Non-hazardous. This historic dataset is entirely consistent with the latest dataset used to compile the current WM3 Classification document for this material.

Action 2: The Atlantic Trommel Fines have been sampled and tested so this cannot be confirmed.”

These responses do not address the actions outlined in the CAR Form. The question specifically pertains to the fines coming from Atlantic and being treated at NSSL. Therefore, NSSL’s response to action 2 above is incorrect since no sampling plan and analyses have been supplied to NRW. The response to action 1 appears to be examples of testing for fines from the output of NSSL’s Warrior process, whereas the question specifically asked for the sampling and testing for the fines from Atlantic.

On the 4th of March 2025 the level 1 assessment of the fines produced from phase 1 & 2 of the Atlantic Recycling Limited facility was shared with officer Lewis Evans. These were not provided to officer Geraint Harris despite the following requests to do so:

- CAR_NRW0044640 sent on the 1st of July 2024.
- Regulation 61 Notice sent on the 17th September 2024.
- An email sent on the 15th of November 2024.
- A site visit on November 21st, 2024.
- A letter on the 3rd of December, 2024.
- CAR_NRW0046092 sent on the 30th of January 2025

The level 1 assessment of the fines produced from phase 1 & 2 of the Atlantic Recycling Limited facility (Atlantic’s Basic Characterisation – Fines Material) indicates that the fines from ARL are non-hazardous. However, the sampling plan and subsequent analytical and HWOL reports haven’t

been assessed by NRW yet.

Atlantic's Basic Characterisation of Fines Material contains the sampling plan along with the analytical reports and HWOL assessments for the fines from phase 1 and 2 at Atlantic Recycling. The sampling campaign appears to have occurred between July and November 2024 and encompasses 25 batches from each phase. Prior to this period, it is evident that no sampling and testing had taken place on the fines generated by phase 1 and 2 at ARL.

Prior to July, the issues highlighted above underscore a deficiency in the waste acceptance practices at NSSL, specifically regarding the trommel fines material received from the Atlantic Recycling Facility. However, this is not the only waste received at the site. NSSL also accepts waste from third-party producers, which must be characterised by the producers in accordance with their own waste acceptance procedures and then verified by NSSL as stated in work instruction WI01. NSSL was asked to demonstrate compliance with Permit Condition 1.1.2 by providing copies of the waste characterisation documentation from waste producers since April 1st, 2024. The following EWC codes are particularly significant as they correspond to mirror entry wastes:

- 010408 - waste gravel and crushed rocks other than those mentioned in 01 04 07
- 170107 - mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06
- 170504 - soil and stones other than those mentioned in 17 05 03
- 170506 - dredging spoil other than those mentioned in 17 05 05
- 170904 - mixed construction and demolition wastes other than those mentioned in 17 09 01, 17 09 02 and 17 09 03
- 191212 - Other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11

Mirror entry wastes should be tested unless their source is well understood and demonstrates that the waste is non-hazardous. In cases where testing is truly impractical or appropriate procedures are unavailable, this must be recorded and explained, along with justification for why the waste is considered acceptable for a particular disposal method. Knowledge of the source is key and whether the material has come into contact with contamination. However, most wastes can and should be tested or assessed for hazardous properties to ensure proper classification and safe disposal. A visual assessment alone is not sufficient to determine whether mirror entry waste is hazardous or not. Furthermore, the volume of waste should not be a limiting factor when deciding on the need to test the hazardous properties of waste. Therefore, NSSL should have evidence demonstrating that they have been verifying that all incoming waste conforms to the description by the waste producer irrespective of the waste quantity and in accordance with an appropriate waste acceptance plan.

As previously noted in this report, questions 5 and 6 of the Regulation 61 Notice were directed to NSSL to assess whether they are adhering to their waste acceptance plan (WI01). The evidence provided thus far shows that some operators have submitted relevant information to characterise their waste, including lab reports and HWOL assessments. However, significant gaps remain, particularly in the absence of sampling plans for the tested waste as well as any evidence showing that NSSL undertake any verification testing of these incoming wastes.

This issue was particularly evident in the case of the 191212 waste designated by Egan Waste. While the analytical results indicated values below the hazardous threshold, these results are meaningless

without a solid sampling plan that demonstrates the sample is representative of the waste. There is also no indication of the volume of waste that the HWOL report covers, further undermining the reliability of the analysis. Additionally, a single sample is insufficient to ensure the accuracy of waste characterisation.

To fully comply with their Waste Acceptance Plan (WI01) and ensure that the waste being received is appropriate, representative, and reliable, it is expected that NSSL should request the following from Egan:

- The analytical lab's analysis report
- The sampling plan for each round of sampling and testing conducted
- The HWOL report

In summary, while some necessary information has been provided, the lack of a comprehensive sampling plan remains a significant issue, particularly when dealing with potentially hazardous waste. NSSL should ensure these key documents are requested from operators to align with regulatory requirements and best practices.

If Egan cannot provide this information, NSSL should reject the load since it can't be evidenced that it is 191212 or accept it as 191211* in accordance with WM3 and only accept to those processes on-site that are allowed to accept 191211* wastes. Accepting Egan's waste without adequate sampling or information about the waste's characteristics is poor practice and shouldn't take place.

Regarding Question 6 of the Regulation 61 Notice, Neals' response was as follows:

Response:

- 1. It is standard practice for Neals to request waste data during the inquiry process. However, many customers already supply data sets from recognized consultancies (e.g., Terrafirma, Arcadis, RSK, RPS, TetraTech), so additional requests for data are rare. Neals provided some examples where they requested further data. If no data can be provided or no additional samples can be taken by either the producer or Neals, the inquiry is closed, and the waste is not accepted.*
- 2. Examples of these communications are attached in the folder titled "Question 6 Evidence."*
- 3. An example of a specific inquiry from the NRW emergency cleanup team is also provided, where Neals was asked to assess the suitability of waste from a clean-up involving an unknown oil spill in a riverbank. This process is documented in the "Contaminated Vegetation" folder.*

Reviewing these examples reveals that while NSSL requests waste characterisation data (including SI reports and HWOL assessments), there is a consistent failure to request the required documentation to satisfy and comply with pre-acceptance procedures and to confidently demonstrate the waste is as described. This omission raises concerns about whether the testing is truly representative of the waste. That said, NSSL does appear to challenge inappropriate analyses, as seen in the following examples:

- "Please note sample 1 had elevated metals, and 3 samples are not sufficient for 4,500 tons of material. They need to provide extensive data, especially with elevated metals close to

hazardous levels.”

- “I don’t think we can use WAC analysis data to classify; we would need WM3.”

Despite these challenges, NSSL's practices suggest an ongoing effort to ensure that only properly characterised waste is accepted, though more robust procedures around sampling and testing are needed.

While there is some evidence that NSSL challenges insufficient waste characterisation by customers, the WM3 requires that operators should be prepared to provide a copy of their sampling plan to support any waste classifications and hazardous waste assessments they have made. NRW would also expect these records to be maintained for a minimum of 6 years (permit conditions 1.1.2 and 4.1.1(d)).

Action 1: Please provide NRW with a procedure for how you will ensure you receive all of the correct information from waste producers as highlighted above and how you will store this information within your document management system going forward. Due the 6th of June 2025.

NSSL’s Waste Pre-Acceptance and Acceptance Procedures, WI01, version 2, states *“A screening, pre-acceptance procedure based on requesting and reviewing information from the waste producer and/or acquiring representative samples for analysis will be used to determine the suitability of the material for the intended process before accepting the waste. This is especially important for hazardous waste to avoid the time pressure and potential hazard of checking a waste at the gate.”* No evidence was provided to show that NSSL were undertaking such pre-acceptance checks on the trommel fines they received from Atlantic Recycling LTD prior to July 2024.

This procedure then goes on to state: *“The following information will be requested from all customers prior to booking in for acceptance:*

- *Type of process producing the waste / specific process from which the waste was derived (Process SIC Code where appropriate) and including potential variability of the process, if relevant.*
- *Quantity of waste to be delivered/collected.*
- *The composition of the waste including chemical (and biological if appropriate) analysis of hazardous and non-hazardous waste; and if appropriate and where available for inert waste.*
- *The physical form of the waste material.*
- *Hazards associated with the waste (and any specific handling / storage requirements).*
- *Waste EWC Code.”*

Given the close operational synergy between NSSL and the Atlantic Recycling site, it is reasonable to assume that the following information regarding the Atlantic fines would already be known. As such, formal communication of these details may not be necessary:

- The type of process generating the waste, including the specific process from which it is derived (with the relevant SIC Code, where applicable), and any potential variability in the process, if relevant.
- The quantity of waste to be delivered or collected.
- The physical form of the waste material.

Procedure WI01 then goes on to state: *“It is the responsibility of the suitably qualified/trained person(s) to ensure that the waste is a permitted waste. It is the responsibility of the suitably*

qualified/trained person(s) to 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.” It is only recently (July -November), that NSSL have attempted to comply with WI01 to ensure the fines from Atlantic Recycling have been adequately characterised. However, Based on statements from representatives of NSSL and Atlantic to Officer Lewis Evans, and the lack of evidence of any historical laboratory analysis or hazardous assessments from either Neal’s or Atlantic (for Atlantic’s fines), despite numerous attempts to obtain it, Neal’s has not been complying with this section of WI01 prior to July 2024.

Procedure WI01 then goes on to state “*The producer in most cases will be able to supply Neal Soil Suppliers Limited with adequate SI reports containing UKAS Laboratory chemical analysis. This will be used by the suitably qualified/trained person(s) or consultants to provide the necessary classification and suitability checks for on-site acceptance.*” No evidence was provided to show Atlantic Recycling, the waste producer, provided NSSL with any SI reports, prior to July 2024, for the suitably qualified/trained person(s) or consultants to undertake the necessary classification and suitability checks for on-site acceptance.

And finally WI01 states: “*Neal Soil Suppliers Limited will carry out their own additional sampling and testing or request further investigation if they do not consider the provided information to be adequate. This will be undertaken in a UKAS/MCerts accredited laboratory.*” It could be said that given the synergy between NSSL and Atlantic, it could be considered reasonable for NSSL to not have to undertake verification testing on fines coming from Atlantic Recycling as long as the basic characterisation and compliance testing at Atlantic Recycling is sufficiently thorough and robust to evidence the composition and lack of variability within the fines. However, at this point no evidence was provided to demonstrate that any the basic characterisation and compliance testing at Atlantic Recycling had ever been conducted prior to July 2024. According to WI01, NSSL should have conducted their own sampling and testing (i.e. verification testing) or requested further investigations under these circumstances. However, this did not occur—NSSL accepted the material without performing any form of verification. Therefore, they have not complied with this part of WI01.

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.”

NSSL’s written environment management system (EMS) includes WI01 Waste Pre-Acceptance and Acceptance Procedures reference: WI01, Version Number: 2. NSSL have been scored a category 2 non-compliance because they have failed to manage and operate activities, namely waste acceptance, in accordance with their EMS, including WI01. This is based on evidence reviewed over the past six years. NSSL has received approximately 335,000 tonnes of 191212 waste from Atlantic Recycling and have not provided any evidence of basic characterisation or compliance sampling and testing for this particular waste stream prior to July 2024. Given the potential for fines to experience both hazardous and non-hazardous properties, the absence of 6 years’ worth of sampling and testing, means any hazardous waste fines would have gone unnoticed. Furthermore, the fact that its storage and treatment occur on permeable ground, there is a potential significant risk to the surrounding environment, particularly as this site sits within a Site of Special Scientific Interest. Additionally,

mixing hazardous and non-hazardous material for the Warrior process constitutes an unpermitted activity. By not testing the phase 1 and 2 fines at either ARL or NSSL for the time leading up to July 2024 and assuming that they are non-hazardous, NSSL hasn't complied with their waste acceptance procedures (WI01) and therefore have not demonstrated that the Atlantic fines waste they received were non-hazardous 191212 and not hazardous 191211. NSSL is not permitted to accept 191211* waste for treatment within the Warrior Process. The absence of proper testing on such large volumes of waste will have given NSSL a competitive advantage over operators who complied with their waste acceptance procedures. Therefore, NSSL have been issued a category 2 non-compliance for failure to operate in accordance with WI01. This a non-compliance which could not only have a significant impact on the local SSSI but also has the potential to impact the final disposal sites.

As already mentioned above, since July 2024, Atlantic have undertaken a basic characterisation program of the phase 1 and 2 trommel fines and have submitted the results along with the sampling plan to NRW. The results of which indicate that the fines during this period were all non-hazardous. However, this information is currently being reviewed by the regulatory officer of Atlantic Recycling. Should the sampling plan and subsequent hazardous waste assessments prove to be inadequate and nonrepresentative of the waste, NSSL must be prepared to consider the fines as the hazardous 191211* and treat it as such until proven otherwise.

The Warrior Process

Compliance assessment report (CAR) CAR_NRW0044640 was sent to NSSL on the 1st July 2024. The following has been copied from that CAR form:

“Waste Processing Picture 1 (annex) was taken at 12:52 and picture 2 was taken at 13:07 on the 13th of June 2024. It was explained at the time that the large brown pile on the left-hand side of picture 1 is 191212-material sent for landfill. It was further explained that this material is generated through the mixing of waste including the 191212 materials from Atlantic Recycling Ltd as well as other sources. Pictures 1 and 2 show waste being mixed, screened and piled ready to be sent off as 191212.

Action 2: Please provide details of the different types of waste (including EWC codes) being mixed together for the process in picture 1 and 2. Due 5th of August 2024.

Action 3: Please provide details of where the waste being mixed in pictures 1 and 2 has originated from? Due 5th of August 2024.”

In response to action 2 NSSL stated:

“The materials consist of inert outputs, part processed soil & stone from Atlantic Recycling and Inert materials from construction/demolition sites that require further processing. The EWC Codes are 17 01 07, 19 12 09, and 19 12 12.”

In response to action 3 Neal's stated:

“Atlantic Recycling Limited & Commercial Customers (construction & demolition sites).”

NRW required further information and so on the 17th of September 2024 a regulation 61 Notice was

sent to NSSL. Questions 1-4 of this Notice and NSSL's subsequent responses can be seen in Appendix 1. It was deemed that Neal's response was insufficient and so the following was put to NSSL, via email, on the 3rd of December 2024:

"You have not fully answered this question. Your response to question 3 states that the waste material goes through a mechanical screening process. You need to explain exactly how this 'screening' treatment process satisfies the requirements of A4 in your permit."

A response was received from NSSL on the 20th of December 2024 stating:

"The material accepted into the A4 (Soil & Aggregate Processing Activity) process requires further processing. As mentioned, this process is known as 'screening'. Which as discussed is a physical sorting and separation of wastes into different components based on composition. Under activity A4, specified activities, "Physical sorting or separation of waste into different components (1) Screening, (2) Blending, (3) Crushing". The process is designed to remove (Stone/Tiles/Bricks/Ceramics/Metals) from the material which refer to as the material undergoing a screened process as outlined in A4 and as per the requirements of A4 the materials are then able to be recovered. Those items recovered are ultimately what governs the requirements for screening to occur which as you have questioned satisfies the requirements of A4."

Atlantic Recycling Ltd's *Movement of Waste from ARL to RML* procedure outlines that waste is screened to a <75mm fraction during Phase 1 of the process. According to the diagram in Appendix 2, this material is then sent to NSSL for disposal. However, the process flow diagram for NSSL (Appendix 3), which is part of their *Movement of Waste from NSSL to RML* procedure, indicates that the material received from Atlantic Recycling is also screened to <75mm.

Action 2: Please provide an explanation as to why the trommel fines from Atlantic require further processing at NSSL, considering that both sites use screens of the same size. Additionally, outline the benefits of undertaking this further processing. Due: 6th June 2025

Action 3: Please clarify why this Phase 1 material is being sent to NSSL instead of being disposed/removed from site directly. Due 6th of June 2025.

Action 4: Please confirm if NSSL receives waste coded 170107 from Atlantic Recycling and what process generates it? Due 6th of June 2025.

191209 Wastes

In order for a waste to be assigned the EWC code 191209 the following must apply:

- The waste inputs to the mechanical treatment must be of an inert and mineral nature i.e. stones, sand, concrete, bricks, and tiles. These waste streams generally arise from construction and demolition (C&D) activities.
- Small quantities of other entrained inert waste (e.g. wood, plastic, metals, rubber) may be present in the waste inputs but must be such that they can be easily removed during mechanical treatment and they must not be present in the waste outputs coded as EWC 19 12 09.

- The waste outputs coded as EWC 19 12 09 must be of an inert and mineral nature i.e. sand, stones, concrete, bricks and tiles.
- The waste inputs and outputs must not contain hazardous substances(e.g. asbestos) or other contaminants. The EWC code 19 12 09 should not be applied to residues generated from the co-processing of C&D waste with commercial, industrial or household waste sources.

Waste residues generated from the co-processing of non-hazardous C&D and other non-hazardous wastes should be classified as 19 12 12 other waste (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11*. Commercial/industrial/household skips usually contain variable amounts of non-mineral wastes including food waste, garden waste, papers, cardboards, composites, textiles, plastics, soils etc., and it is difficult to sufficiently separate these wastes from mineral waste during the processing.

Small quantities of other entrained inert waste (e.g. wood, plastic, metals, rubber) may be present in the waste inputs but must be such that they can be easily removed during mechanical treatment and they must not be present in the waste outputs coded as EWC 19 12 09. NSSL's waste returns suggest that NSSL accept 191209 waste from the Atlantic Recycling site. Phase 1 and Phase 2 of Atlantic's waste processing facility suggest that co-processing of C&D waste with commercial, industrial or household waste sources is taking place. Since 191209 waste not contain any entrained inert waste (e.g. wood, plastic, metals, rubber) NRW questions how anything from Atlantic's phase 1 and phase 2 process can be labelled 191209 and subsequently require further treated at NSSL? Instead NSSL should be classifying this waste as 191212 or 191211*.

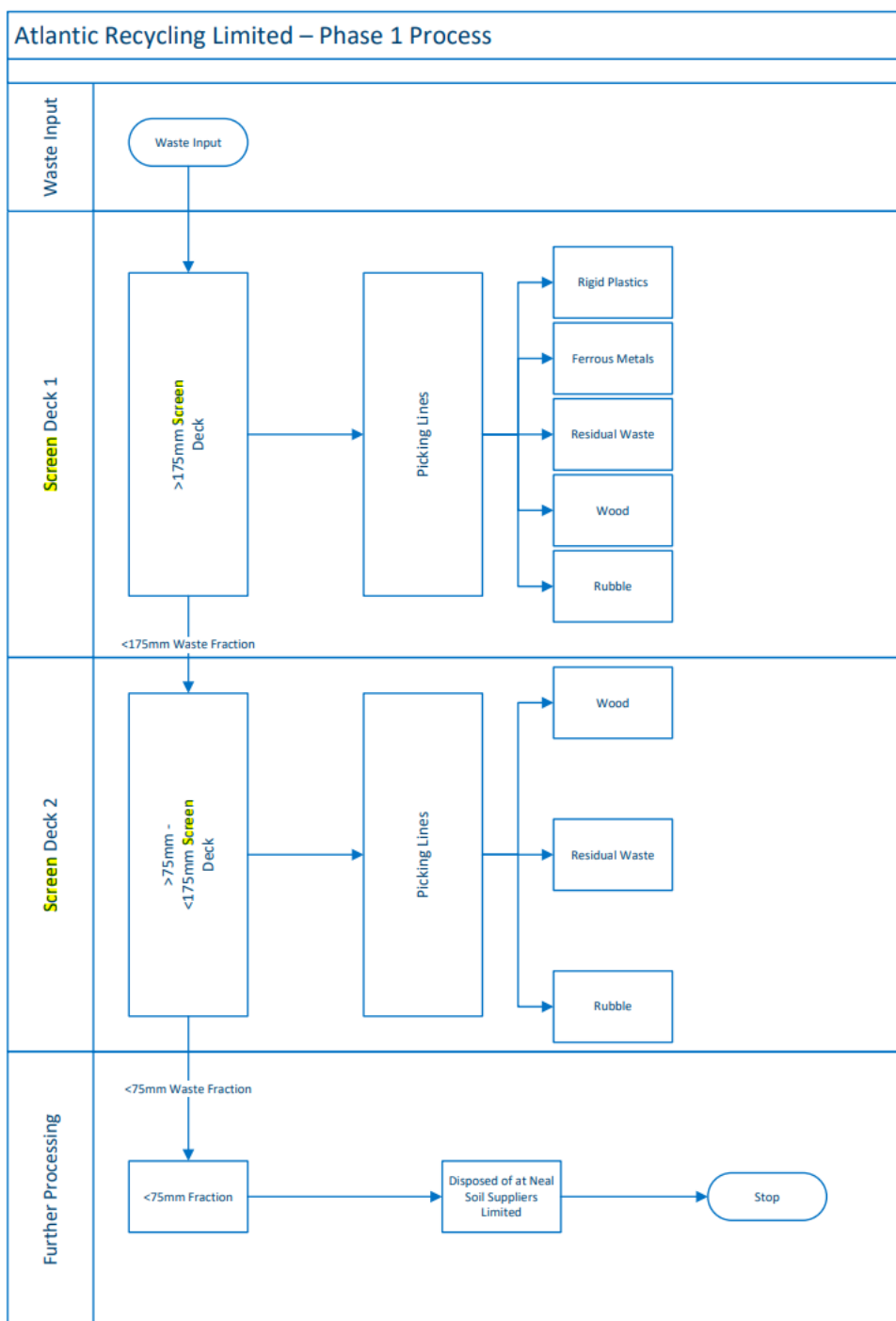
Action 5: please explain how this 191209 waste is generated at Atlantic Recycling and why it isn't classified as 191212 or 191211*. Due 6th June 2025.

Action 6: Please explain why NSSL's waste acceptance procedures didn't identify that this waste should be 191212 or 191211*? Due 9th June 2025.

Appendix 1

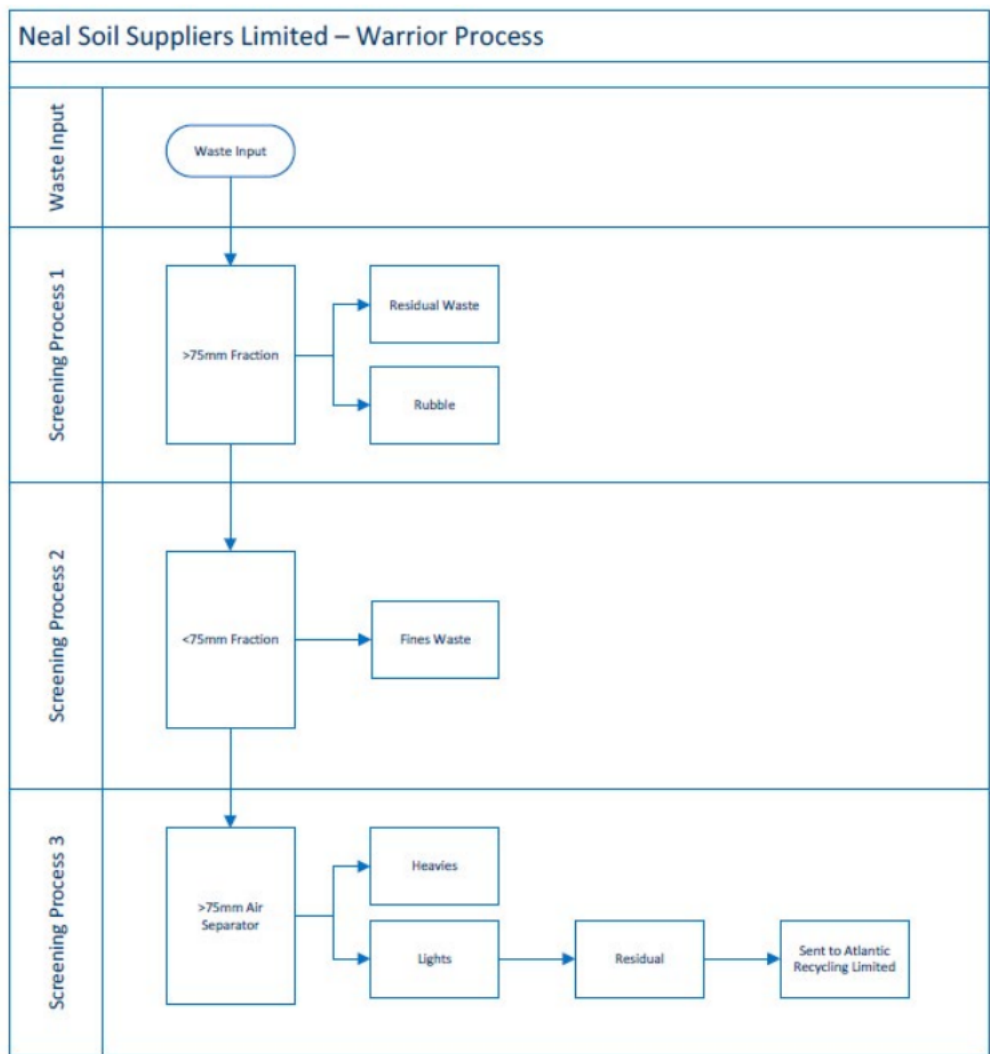
Action	Response	Further Information
1. In your email response to actions 2 and 3 from compliance assessment report CAR_NRW0044640, you state in your email response, dated the 4 th of September 2024, that the materials consist of EWC Codes 17 01 07, 19 12 09, and 19 12 12. Please clarify if these wastes, pictured in annex 1 below, contain the trommel fines (coded 191212) that are generated from the MRF at Atlantic Recycling Limited. For reference, the type of trommel fines referenced are	Picture 1 shows the finished qualifying fines. These materials would contain elements of the material that has come from ARL that has been further processed at Neal Soil Suppliers Limited.	 Picture 1 – Reg 61 Notice to ARL May 2024

those similar to the trommel fines pictured in pictures 1 and 2 of Annex 1 of the Regulation 61 Notice dated the 3rd of May 2024 and sent to Atlantic Recycling by Senior Officer Lewis Evans.	 Picture 1 – Annex	 Picture 2 – Reg 61 Notice to ARL May 2024
2. Please explain where the trommel fines (coded 191212) from Atlantic Recycling Ltd.'s MRF operations are stored at the Neal Soil Suppliers Ltd site.	The fines material from ARL is deposited in the area seen in picture 2 of the annex and immediately processed via the equipment seen in picture 1 and 2 of the annex.	 Picture 2 – Annex
3. Please explain how the material in point number 2 (above) is treated at the Neal Soil Suppliers site.	The material goes through a mechanical screening processing as per permit conditions.	
4. With regards to all the 191212 wastes that are accepted onto your Neal Soil Suppliers site, please explain the processes you undertake to justify the correct and appropriate treatment/disposals routes.	Permit allows storage and treatment of 19 12 12 waste streams under activity A4 and can be accepted under types specified in table 2.3.	
<u>Appendix 2</u>		



Appendix 3

a. Process Flow Diagram



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.