Compliance Assessment Report

Report ID:
CAR_NRW0035763

This form will report compliance with your permit as determined by an NRW officer					
Site	Atlantic Recycling Limited	Permit Ref	PP3993VS		
Operator/Permit holder	Atlantic Recycling Limited				
Regime	Waste Operations				
Date of assessment	17/09/2019	Time in	11:00	Out	12:30
Assessment type	Site Inspection				
Parts of the permit assessed	Compliance with EPR Regulation 37 Notice served on 25 July 2019				
Lead officer's name	Bowder, Alex				
Accompanied by					
Recipient's name/position	Phil Ridley, John Edwards/ Business Development Manager, Technically Competent Person	Date issued	03/10/2019		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	**CCS Category**	**Condition(s) breached**
A1 - Specified by permit	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	C2 - Suspended	1.1.1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	O	Table S1.1 Activities
D2 - Incident Management - Accidents, emergency and incident planning	C2 - Suspended	3.7.1
F3 - Amenity - Dust/fibres/particulates and litter	A	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.
A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,
O = Ongoing non-compliance, not scored.

Number of breaches recorded	**2**	**Total compliance score** (see section 5 for scoring scheme)	0

If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Regulation Officer Alex BOWDER attended Atlantic Recycling Limited (ARL) at Atlantic Eco Park, Newton Road, CF3 2EJ on Tuesday 17 September 2019 at 11:00 to assess the compliance with Regulation 37(1) and (5) Notice served on 25 July 2019. Weather conditions were warm and dry at the time of inspection.

Waste Fire Officer Mathew BRADFORD from the Fire and Rescue Service (FRS) was present to assess the fire risk on site and compliance with the Fire Prevention and Mitigation Plan (FPMP) guidance. Consultant Phil Picton was present to discuss operations and to review ARL's FPMP going forward. Phil RIDLEY and John EDWARDS (Technically Competent Person) were present throughput the inspection and accompanied the Officer around the permitted areas.

PREVIOUS CAR FORM ACTIONS - *CAR_ NRW0035468*

- Comply with Section 3.3.3 - Storage pile sizes and Separation Distances of your FPMP – Table 3.
    i) Reduce the heights of all Stockpiles exceeding 4 metres.
    ii) Establish compliant separation distances between Stockpiles.

- Comply with Section 4.3 Quarantine Area of your FPMP
    i) Create a suitable Quarantine Area to hold 50% of the largest stockpile

- Review and update your FPMP and Management System, to identify appropriate measures to ensure that the storage of waste on site will not cause a pollution risk. Submit documents to NRW for review.

These actions formed part of the Regulation 37 Suspension Notice that was served on 25 July 2019.

ENFORCEMENT RESPONSE

Following the non-compliances outlined on the last inspection (***CAR_ NRW0035468***), NRW served an Environmental Permitting (England and Wales) Regulations 2016 Regulation 37(1) and (5) Suspension Notice 25 July 2019 on the operator. This prevented the site from bringing any waste material onto Field 1 until the Notice was complied with.

The Regulation 37 outlined three steps to be completed by 30 September 2019.

STEP 1: REMOVAL OF WASTE

- Removal of Refuse Derived Fuel waste on Field 1 to establish compliant separation distances.
- Reduction in all stockpile heights to four metres.
- Establishing 360-degree access around all stockpiles.

On 17 September, it was evident that the site had removed volumes of RDF waste from Field 1 since the last inspection. The site has stated that there had been a weekly net reduction in stock. This has increased the separation distances between neighbouring waste stockpiles and established access to both ends of Stockpile 2. Separation distances between stockpiles on Field 1 were compliant with the FPMP on the at the time of inspection.
A 360-degree access had also been established for all stockpiles stored on Field 1.

This has satisfied the first and last actions of Step 1 within the Notice requirements. Please can the business provide the Transfer Note data for this waste removed.

STOCKPILE HEIGHT
John Edwards and Phil Ridley acknowledged that over half the stockpiles on Field 1 remained to be above four metres in height.
This action point remains to be completed.

The site stated that to bring all waste stockpiles down to four metres within the current market, whilst creating a suitable quarantine area, could be completed by end of **January 2020.**

STEP 2: QUARANTINE AREA

"The Operator is required to create a suitable Quarantine area that must have the capacity to store 50% of the volume of the largest waste pile."

This action point remains to be completed.

On previous inspections, Officer BOWDER and Mathew BRADFORD spoke about the unsuitability of using the area alongside the MRF unit in the Transfer station to create a suitable QA, given the current waste volumes on site. The site has stated that in order to create a suitable QA on Field 1, it would need to remove one of the stockpiles.

The site raised the issue of potentially using their Field 3 area as an interim Quarantine Area to assist with addressing the points outlined in the Notice; this can be seen in Image 1 below. This would afford the site more space on Field 1, which would enable them to reduce stack heights to four metres in a shorter time. This land is not classified as an impermeable surface, however has a layer of clay under the hardstanding that could prevent run-off from percolating through the ground layers. It was stated that the area is contained by an interceptor system which could capture contaminants.

Image 1 – showing inert material on Field 3 – taken on 17/09/19

STEP 3: UPDATE AND REVIEW FPMP

"The Operator shall update the Fire Prevention and Mitigation Plan and Environment Management System incorporated in the permit, to include all appropriate measures it has identified in compliance with paragraph above and submit the same in writing to NRW for its approval."

The site must submit its proposed contingency plans for how it is going to manage waste streams in future. These plans must aim to prevent this situation from re-cooccurring via strict control of material on site. ARL's FPMP does not currently address these contingency and seasonality issues. The business must review and update its FPMP and IMS to address these factors to ensure the site is able to effectively cope with changes in outlet circumstances. NRW will assess the documents and provide feedback on these submissions.

This action point remains to be completed.

The site requested whether it is possible to have seasonal variants on the stack height limits as part of the new contingency plan. This would involve allowing the storage one or more RDF stacks at a height of up to 7 metres if there are outlet issues in future. Any revision to the FPMP would need to be submitted to NRW for review. This would form part of the FPMP assessment that the business needs to complete as part of the next steps.

NOTICE OUTCOME

Because the site has made progress in actioning the steps outlined in the Notice, this has reduced the immediate risk of fire on site. As a result, on 24 September 2019 NRW chose to withdraw the Regulation 37 Notice. However, as all the steps in the Notice have not been fully satisfied, we intend to issue an EPR 2016 Regulation 36 Notice to see that these actions are met to bring operations back into compliance within reasonable timescales.

PERMIT BREACHES

CATEGORY 2 BREACH - PERMIT CONDITION 3.7.1 -
THIS SCORE HAS BEEN SUSPENDED GIVEN THE REGULATION 37 NOTICE IN PLACE AND ASSOCIATED DEADLINES

(D2) INCIDENT MANAGEMENT - ACCIDENTS, EMERGENCY AND INCIDENT PLANNING

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

WASTE STORAGE TIMES

It was noted in the July 2019 CAR Form (Ref: ***CAR_NRW0035468***), that three RDF stockpiles in Field 1 had been stored for longer than three months. Stockpile 6 dated back to 6 February 2019; this waste was required to be removed by the six-month mark 6 August 2019 to comply with waste storage operations.

ARL were required to remove Stockpile 6 by **6 August 2019** to ensure the waste storage element in *Table 2 – ARL Site Maximum Storage Times of Waste* is complied with. Stockpile 7 had also exceeded the 6-month storage time at the time of inspection.

The site provided the storage times for its stockpiled waste to NRW:

STACK	START DATE	END DATE
1	28.4.2019	28.10.2019
2	29.5.2019	29.11.2019
3	27.6.2019	27.12.2019
4	9.6.2019	9.10.2019
5	3.4.2019	3.10.2019
6	6.2.2019	6.8.2019
7	11.3.2019	11.9.2019

The site must ensure that all waste materials are removed before the 6-month storage mark. Going forward, NRW must emphasise the site's responsibility to restrict its waste inputs when room on site becomes limited. This is essential to operate a controllable waste management strategy to ensure the compliance with permit conditions. This should be addressed as part of the FPMP review.

FPMP non-compliant factors:
- STOCKPILE HEIGHTS
- QUARANTINE AREA
- WASTE VOLUME AND SEASONAL MANAGEMENT

Section 3.3.3 - Storage pile sizes – Table 3

At the time of inspection, the storage dimensions of stockpiles across the permitted area were deemed to be non-compliant with your FPMP. It was estimated that numerous stockpiles were exceeding the four-metre height restriction, as confirmed by the Operator.

Section 4.3 Quarantine Area
The proposed Quarantine Area in the TS was not sufficient to effectively deal with a fire incident. The Fire and Rescue Service feel that the designated zone would be inadequate to manage the amount of waste stored on Field 1, given the space available. Section 4.3 of your FPMP states *'the Quarantine Area should have a separation distance of at least 6m around its perimeter from adjacent buildings and waste piles'.*

Please see further in this report for justification.

ACTION:

- **Comply with Section 3.3.3 - Storage pile sizes of your FPMP – Table 3.**
  i) Reduce the heights of all Stockpiles exceeding 4 metres.

- **Comply with Section 4.3 Quarantine Area of your FPMP**
  i) Create a suitable Quarantine Area to hold 50% of the largest stockpile

DEADLINE:
31 January 2020

CATEGORY 2 BREACH - PERMIT CONDITION 1.1.1 -
THIS SCORE HAS BEEN SUSPENDED GIVEN THE REGULATION 37 NOTICE IN PLACE AND ASSOCIATED DEADLINES

(C2) - GENERAL MANAGEMENT - MANAGEMENT SYSTEM AND OPERATING PROCEDURES

"The operator shall manage and operate the activities: 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."

ROOT CAUSE BREACH
The volumes of waste present on Field 1 indicate that waste acceptance procedures have not been followed in accordance with your Management System. Your Management document states that RDF will be stored in accordance with procedures set out in ***IMS 14-03.*** This references your Waste Storage Checklist, which states:

Arrangements will be included that ensure that excessive levels of storage do not occur by considering:

- ***Alternative facilities to take recycled product in the event of breakdown or shutdown of the main receiver of product.***
- ***Alternative arrangements for storage to cater for unexpected increases in material being delivered to site.***

This has not been effectively executed by the business. The lack of contingency plan or waste management strategy for changes in outlet circumstances, has resulted in the site almost reaching its storage saturation point. This has compromised the procedures outlined in your FPMP which has increased the risk of fire on site.

ACTION:
Review and update your FPMP and Management System, to identify appropriate measures to ensure that the storage of waste on site will not cause a pollution risk. Submit documents to NRW for review.

DEADLINE:
31 January 2020

SITE OPERATIONS

There is still a large stockpile of MRF fines in the corner of the TS area that needs reducing in size. Efforts have been made to remove waste to establish access round the back of the pile. There were no issues with the wood processing operations. The infrastructure and drainage system within the Transfer Station have remained unchanged since last inspection - no issues noted.
The site has been submitting quarterly surface water monitoring data in accordance with permit.

RDF STORAGE CONDITION

The business applied to vary the permit to allow for storage of loose RDF outside unwrapped in 2018. In the CAR Form **CAR_NRW0034281**, the score of the condition TABLE S1.1 ACTIVITIES was suspended until the application was determined by our permitting department. As determination has not yet been reached, this has been logged as an ongoing matter.

NRW WILL BE ISSUING AN ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2016 - REGULATION 36 NOTICE TO BRING OPERATIONS INTO COMPLIANCE WITH ITS PERMIT CONDITIONS.

If you have any issues with this report, please contact Alex Bowder on 0300 065 3394 or alex.bowder@naturalresourceswales.gov.uk

Thank you.

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012

This form will report compliance with your permit as determined by an NRW officer			
Site	Atlantic Recycling Limited	Permit Ref	PP3993VS
Operator/Permit holder	Atlantic Recycling Limited	Date	17/09/2019

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition.
Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
D2	C2	Remove all waste stored longer than 6 months, reduce all stockpiles above four metres in height and create a suitable Quarantine Area to hold 50% of the largest stockpile	31/01/2020
C4	O	N/A	31/01/2020
C2	C2	Review and update your FPMP and Management System, to identify appropriate measures to ensure that the storage of waste on site will not cause a pollution risk. Submit documents to NRW for review.	31/01/2020

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. Health and Safety Executive, local authorities) on environmental issues
- Carrying out statistical analysis, research and development on environmental issues
- Providing public register information to enquirers
- Investigating possible breaches of environmental law
- Assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language
If you would like this form in Welsh please contact your Regulatory Officer.