

Compliance Assessment Report

Report ID:
CAR_NRW0036334

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	29/01/2020	Time in	10:30	Out	11:30	
Assessment type	Site Inspection					
Parts of the permit assessed	A, B, C, D, F and G					
Lead officer's name	Bowder, Alex					
Accompanied by	Davies, Gareth					
Recipient's name/position	Phil Ridley and John Edwards/ Business Development Manager, Technically Competent Manager		Date issued	14/02/2020		

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	1.1.1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	O	Table S1.1 Activities
D1 - Incident Management - Site security	A	
D2 - Incident Management - Accidents, emergency and incident planning	C2	3.7.1
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
F5 - Amenity - Deposits on road	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)	62
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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 and Team Leader Gareth DAVIES attended Atlantic Recycling Limited (ARL) at Atlantic Eco Park, Newton Road, CF3 2EJ on Wednesday 29 January 2020 at 10:30.

The purpose of the visit was to assess compliance with Regulation 36 Notice served on 03 October 2019, as well as a routine inspection of permit **EPR-PP3993VS**. Weather conditions were mild and dry at the time of inspection. Business Director Phil RIDLEY and John EDWARDS (Technically Competent Person) were present throughout the inspection and accompanied the Officers around the permitted areas. Director David NEAL met with NRW staff in the office following the walk around site.

ACTIVITIES SINCE LAST INSPECTION

The site last visited on 17/09/19 and comments were detailed in CAR Form **CAR_NRW0035763**. The following regulatory interventions have occurred within the past six months:

- A Regulation 37(1) and (5) Notice was served on 25 July 2019
- A Regulation 37 (12) Withdrawal Notice was issued on 24 September 2019
- A Regulation 36 Notice was served on 03 October 2019 - with the following steps outlined with a deadline of 31 January 2020:

CONDITION NUMBER	STEPS TO BE TAKEN	COMPLETION DATE
1.	Reduce the height of all stockpiles above four metres.	31 January 2020
2.	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.	31 January 2020
3.	As per Condition 3.7.1, the Operator shall review the Fire Prevention and Mitigation Plan and Environment Management System incorporated into the permit and identify such appropriate measures to ensure that storage of waste on site will not cause serious pollution, namely fire risk, including but not limited to the following: - Fire Prevention and Mitigation Plan is produced in line with the current guidance. - Waste streams are stored in compliance with the Fire Prevention and Mitigation Plan. - Manage throughput of waste streams.	31 January 2020

	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.	
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EPR 2016 REGULATION 36 NOTICE – OCTOBER 2019

John EDWARDS emailed Officer BOWDER on 17/01/20, stating that the business was able to satisfy **Conditions 2 and 3** of the Regulation 36 Notice by 31 January 2020, however would not be able to meet condition 1. Consequently, the Operator has requested a further three months to reduce the heights of all stockpiles exceeding 4 metres in order to satisfy **Condition 1**.

STEP 1: REDUCTION IN ALL STOCKPILE HEIGHTS TO FOUR METRES - INCOMPLETE

The Operator stated that no more waste had been accepted onto Field 1 since the last inspection in 2019. The separation distances between stockpiles on Field 1 were compliant with the FPMP at the time of inspection. All piles had an established 360-degree access on suitable infrastructure. Phil RIDLEY acknowledged that over half the stockpiles on Field 1 remained to be above four metres in height.

The site stated to NRW in 2019 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. The Operator has stated that external factors have put considerable pressure and financial duress on the business that has prevented the site from reducing the heights by the 31 January 2020.

The Operator stated that if an extension is granted, it will endeavour to action the height reduction within three months (01 April 2020). However, it was stated that the operation would **not** be able to completely remove any stockpiled waste stored on site for longer than 6 months by this deadline.

STEP 2: QUARANTINE AREA - COMPLETE

“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.” Officers were shown the area designated for material isolation and segregation in the event of a fire, as seen in the photograph below.



Image 1 – Showing the allocated quarantine area on Field 1, taken on 29/01/20

This has satisfied condition 2 of the Notice.

STEP 3: UPDATE AND REVIEW FPMP - COMPLETE

"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."

On 01 February 2020, the business submitted its reviewed FPMP document. This will be assessed in due course and will be provided with comments.

This has satisfied condition 3 of the Notice.

SITE COMPLIANCE

PERMIT BREACHES

CATEGORY 2 BREACH - PERMIT CONDITION 3.7.1

(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

Phil RIDLEY stated that stockpile storage periods have not changed the last inspection. All waste stockpiles present on Field 1 have now been on site for over 6 months:

STACK	DEPOSIT DATE	6 MONTH DATE
1	28.04.2019	28.10.2019
2	29.05.2019	29.11.2019
3	27.06.2019	27.12.2019
4	09.06.2019	09.10.2019
5	03.04.2019	03.10.2019
6	06.02.2019	06.08.2019
7	11.03.2019	11.09.2019

The waste storage element in *Table 2 – ARL Site Maximum Storage Times of Waste* states, that the site must ensure that all waste materials are removed before the 6-month storage mark. Stockpile 3 was deposited on 27.06.19, making it the youngest waste pile on Field 1; this has now been stored for **over 7 months**. Stockpile 6 is the oldest waste pile; this has now been on site for **over 12 months**.

Despite the additional monitoring measures in place, this exceeds the storage limitations of the Operator's activities. This problem has arisen from accepting too much waste in the first instance, which has had a knock-on effect on the waste management across the site. The Operator stated that in the past 4 months, the majority of waste removed from site has been from the Transfer Station.

ACTION

Provide a timescale for agreement to remove waste stockpiles stored over 6 months within 7 days.

DEADLINE

22 February 2020

FPMP non-compliant factors:

- STOCKPILE HEIGHTS
- WASTE VOLUME AND SEASONAL MANAGEMENT

Section 3.3.3 - Storage pile sizes – Table 3

At the time of inspection, the storage dimensions of stockpiles heights 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.

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.

DEADLINE

01 May 2020



Photograph 1 – showing Stockpile 6 stored on Field 1, in excessive of four metres high – taken on 29/01/20

CATEGORY 2 BREACH - PERMIT CONDITION 1.1.1

(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 were not

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.***

Poor waste management strategy has resulted in stockpiled waste being stored on site for over 12 months. This has compromised the procedures outlined in your FPMP which has increased the risk of fire on site. This has scored a root cause breach against your EMS as a result.

ACTION:

Identify appropriate measures to ensure that the storage of waste on site will not cause a pollution risk. Follow EMS acceptance procedures in future to ensure this issue does not reoccur.

Officers were shown the SRF building which was in full operation at the time of inspection. The Operator has stated that the SRF waste stream is what the business wishes to focus on going forward, with a newly established outlet for the material. Mixed plastic material is blended with waste carpet, for instance, to produce a product that possesses a higher calorific value when incinerated. This is then transported to a suitable waste outlet for use.

TRANSFER STATION

The infrastructure and drainage system within the Transfer Station has remained unchanged since last inspection - no issues were noted. Phase 2 of the MRF is slowly being implemented with machinery being installed across the concreted area. Fencing and railings have been installed around the permitted area to assist with Health and Safety procedures. Security measures have been increased across the permitted area.

WOOD RECYCLING

The Operator spoke about plans to surface the adjacent field to the Transfer Station, which would allow activities to store wood waste in this area once sealed. The business is still awaiting determination of the variation application from the permitting department. This will increase the annual throughput of waste wood.

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.

WASTE RETURNS

The site has been submitting its quarterly surface water monitoring data in accordance with permit. The Operator's last return document was submitted on 31/10/2019 - please ensure to fill out section 2.5. 'Technically competent Management', as this was left blank. The return declares that 34,591 tonnes were received, and 35,007 tonnes removed. The majority of waste is coming into site classified as **19 12 12**.

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

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0036334**

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	29/01/2020

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.

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			
C4	O	Await permit determination	01/05/2020
C2	C2	Identify appropriate measures to ensure that the storage of waste on site will not cause a pollution risk. Follow EMS acceptance procedures to ensure this issue does not reoccur.	13/03/2020
D2	C2	Provide a timescale for agreement to remove waste stockpiles stored over 6 months - WITHIN 7 DAYS Reduce the height of stockpiled material exceeding 4 metres - by 01 May 2020	22/02/2020

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.