Compliance Assessment Report CAR_NRW0035763

Permit being assessed: PP3993VS.
For: Atlantic Recycling Limited, held by Atlantic Recycling Limited
At: Rumney, Cardiff, Glamorgan, CF3 2EJ.

Type of assessment carried out: Site Inspection, Reason: Routine.
On 17/09/2019 between 11:00 and 12:30.
Parts of permit assessed: Compliance with EPR Regulation 37 Notice served on 25 July 2019

NRW Lead Officer: Alex Bowder.
Report sent to: Phil Ridley, John Edwards, Business Development Manager, Technically Competent Person on 07/04/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
D2 - Incident Management - Accidents, emergency and incident planning	C2 Significant	3.7.1
C4 - General Management - Storage, handling labelling and Segregation	Ongoing (O)	Table S1.1 Activities
C3 - General Management - Materials acceptance	Assessed (A)	
C2 - General Management - Management system and operating procedures	C2 Significant	1.1.1
C1 - General Management - Staff competency/training	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
2	62

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
D2	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	N/A	31/01/2020
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

Action 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

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

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.

What are suspended scores?
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 and Waste action criteria (used in section 1 and 2):

A: Permitted activities
- A1 Specified by permit

B: Infrastructure
- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management
- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management
- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions
- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity
- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting
- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency
- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance 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 20 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 – 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.