

Compliance Assessment Report CAR_NRW0037143

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 19/10/2020 between 10:00 and 11:00.

Parts of permit assessed: A, B, C, D, F, G

NRW Lead Officer: Alex Bowder.

Report sent to: David Neal, Phil Ridley and John Edwards, Director, Business and Development Director and Technically Competent Manager on 07/04/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C2 Significant	Root Cause Breach - 1.1.1
D2 - Incident Management - Accidents, emergency and incident planning	C2 Significant	3.7.1
A1 - Specified by permit	Assessed (A)	
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C1 - General Management - Staff competency/training	Assessed (A)	
C3 - General Management - Materials acceptance	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Action only (X)	
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
F5 - Amenity - Deposits on road	Assessed (A)	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to	Assessed (A)	

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
Natural Resources Wales		

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
C2	(1) Follow site acceptance procedures to see that material is rejected when capacity is reached. (2) Review waste management strategy to ensure that stockpiling of waste does not occur without a confirmed outlet.	16/02/2021
D2	Inadequate separation distances between stockpiled waste, excessive stockpile dimensions and exceeding waste storage times. (1) Create a clear separation distance of 12 metres between all neighbouring stockpiles. (2) Please send comments to NRW detailing the work completed on all Field 1 stockpiles since last inspection.	16/12/2020
C4	Establish clear separation distances between all stored wastes and buildings on site.	16/12/2020

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

Senior Waste Regulation Officer Alex BOWDER attended Atlantic Recycling Limited (ARL) at Atlantic Eco Park, Newton Road, CF3 2EJ on Monday 19 October 2020 at 10:00.

This was an unannounced visit to conduct a routine inspection of permit **EPR-PP3993VS**. Weather conditions were mild and dry at the time of visit. Business Director Phil RIDLEY was present throughout the inspection and accompanied the Officer around the permitted areas.

The site was last visited on 29 January 2020. Comments were detailed in CAR Form **CAR_NRW0036334**.

ACTIVITIES SINCE LAST INSPECTION

An EPR 2016 Regulation 36 Statutory Notice was served on 12 March 2020. This required the height reduction of all stockpiles above four metres and for the removal of material stored over 6 months with completion dates for each respective stockpile. This Notice has been appealed by the operator and a Planning Inspectorate visit is due to take place to assess the validity of Atlantic Recycling Limited's grounds of appeal. Following this, a hearing will take place to determine the outcome of the process.

COVID-19 Lockdown Pandemic

In April 2020 the business informed NRW that, as a result of the imposed COVID-19 restrictions across the country, the site was operating at a reduced level. This was due to the reduced outlet availability/demand for waste and the temporary site closures as a result of COVID-19 protection measures. This gave rise to staff shortages with workers having to self-isolate which naturally impacted on site revenue.

The business has stated that the waste outputs for stored material have lessened with the reduced inputs – therefore, it was not expected to experience a nett increase of waste volumes on site. However, it was also stated that the site anticipated an increase in storage times for the historical waste deposited, namely loose stockpiled material on Field 1.

Site Security

The business has invested large amounts of money in security staffing, surveillance and site patrolling over the past few months. This has involved the construction of a new security office, the erection of multiple elevated cameras and a canine division with kennels on site. NRW have been made aware of the threats made against the business and the measures that have been taken to manage the situation. This has been said to have taken large financial resource and site management focus away from the primary waste operations.

Permit Variation

On 16 September 2020 the permit was partially varied to **PP3993VS/V007** which includes new operational activities and tonnage allowances for various waste types. The variation has incorporated activities that are regulated by the Industry Regulation Team. NRW intend to arrange a handover visit to introduce the Industry Regulating Officer going forward.

- The Waste Water Treatment Plant (WWTP) is now permissible to be operated. The bespoke WWTP is designed to treat surface water to meet the numerical limits specified in Table S3.1 of the permit. The treated waters will continue to discharge via the existing outfall point D2 (as listed in the permit), and the compliance monitoring point is at D2 where water enters the SSSI reed system.
- The Small Waste Co-Incinerator Plant (SWCP) was not included as part of the variation and so cannot be utilised before becoming a permitted activity.

- The wording of the permit has been amended to allow Refuse Derived Fuel (RDF) to be stored outside loose and unwrapped.

PERMIT COMPLIANCE

***SUSPENDED SCORE* - 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."

- Inadequate separation distances between stockpiled waste
- Excessive stockpile dimensions
- Exceeding waste storage times

Please see report content for further justification.

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

- Acceptance of waste beyond site storage capacity limits
- Ineffective waste management strategy

Please see report content for further justification.

SITE OBSERVATIONS

FIELD 4

Officer BOWDER started the inspection by exploring the area known as Field 4 within the permit boundary, located to the west of Field 1. Since the last visit, the ground for this area

has been made up to form hardstanding. It was mentioned that part of the field could be intended for vehicle storage going forward, although no set plans have been devised yet.

At the time of the inspection this area was filled with a considerable volume of inert material with a high glass content, as per image 1. The intention for this material is to be stored on Field 4 before being taken to the Transfer Station and put through the MRF to obtain the recyclables. We would remind the business that the permit requires wastes such as wood, SRF and RDF to be stored on impermeable surface with sealed drainage. As this area does not yet benefit from a fully sealed drainage system like one for Field 1, this location would be unsuitable for most current onsite activities.

It was also stated that Field 4 could be a potential quarantine area for isolating and segregating fire-affected waste in the event an incident, as per image 2.



Image 1 – showing the large volume of inert material deposited on Field 4



Image 2 – showing the opposite end of Field 4 with the inert waste pile seen in the distance

FIELD 1

The Officer was then taken to Field 1 to inspect the stockpiles of loose waste stored on the concrete slab.



Image 3 – taken from the office stairwell showing one end of Stockpile 2 on Field 1

FIRE BREAKS AND SEPARATION DISTANCES

During the inspection, it was highlighted to the operator that loose general waste consisting of cardboard, plastics and pallets had been deposited in more than one of the separation breaks between neighbouring stockpiled waste on Field 1. It was stated that this waste had come in over the weekend and had been purposely tipped in these locations. This is likely due to the lack of space available on Field 1 and across the Transfer Station.



Image 4 – showing general waste deposited in a fire break between stockpiles on Field 1



Image 5 – showing rear view of Image 4 general waste deposited in a fire break between stockpiles on Field 1



Image 6 – showing waste deposited in a fire break between stockpiles on Field 1 with inadequate separation distance



Image 7 – showing waste deposited in a fire break between stockpiles on Field 1

NRW has spoken to the operator numerous times about the importance of fire breaks, stack access and volume management regarding fire mitigation. Whilst we appreciate the restrictive circumstances of the current pandemic, there is concern for the lack of communication and general control of material if waste is still being deposited in this way.

Officer BOWDER stated that, if there is limited or no room available on site, then material should be rejected in order to comply with the permit conditions and maintain fire safety. By depositing waste in this way, the operator is knowingly breaching permit conditions which cannot continue.

Officer BOWDER asked the business to implement measures to ensure that fresh material is not deposited in this manner again. Phil RIDLEY agreed to remove this material as a priority and to send images to NRW once completed. On Friday 30 October 2020 the operator sent photographs confirming that all the deposited material had been cleared from the fire breaks.

Fire Mitigation

Separation distances are required to prevent the spread of fire between stockpiled waste. As the site is aware, fire breaks need to be established between stockpiled waste and buildings to allow access to material in the event of a fire. On the inspection, it was evident that some of the fire breaks between various loose stacks on Field 1 were less than 12 metres, as per image 6.

This was due to the excessive volumes of material on site and the consequential lack of room available to increase stockpiles sizes without increasing the risks. It is imperative to keep these spaces established and clear to be able to manage a fire incident.

ACTION

Create a clear separation distance of 12 metres between all neighbouring stockpiles.

WASTE STORAGE TIMES

Since the last inspection in January 2020, the operator has made efforts to reduce some of the stack sizes on Field 1, however some piles remained largely the same. Field 1 waste stockpiles have now been stored on site for over six months:

STACK No	DEPOSIT DATE	6 MONTH DATE
1	28 April 2019	28 October 2019
2	29 May 2019	29 November 2019
3	27 June 2019	27 December 2019
4	9 June 2019	9 December 2019

5	3 April 2019	3 October 2019
6	6 February 2019	6 August 2019
7	11 March 2019	11 September 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 6 is the oldest waste pile; this has now been on site for over 20 months.** Despite the additional monitoring measures in place, this exceeds the storage limitations of the operator's activities which NRW has not agreed to.

This non-compliance has contributed towards the breach of condition 3.7.1, however this score has been suspended on the basis of the appeal. NRW have requested comments from the operator to indicate the work done on the piles to date, for example:

- volumes removed
- heights reduced
- material added
- no change at all

This is to ensure that we are working off the correct information/numbering of the stockpiles and to gauge the removal progress.

ACTION

Please send comments to NRW detailing the work completed on all Field 1 stockpiles since last inspection.

New material was being deposited in a pile on Field 1, as per image 8. It was surprising that this free area was not being used to downsize, sort or process the historic stockpiles. Removal of the waste stockpiles older than six months should still be the priority for the site.



Image 8 – showing new material being deposited on Field 1

TRANSFER STATION

Material Recycling Facility (MRF) and RDF

The MRF was operational at the time of inspection separating the various recyclable waste streams from the input. The Officer highlighted that there was a very large continuous stockpile of loose residual waste from the MRF being stored parallel to the mesh fencing boundary of the Transfer Station, as per image 9. The classification of this material was questioned and how it differs from the waste stockpiled on Field 1; it was stated that it was largely the same EWC code.



Image 9 – showing large amount of loose residual material from the MRF stored in the Transfer Station

Officer BOWDER raised concerns as there was too much waste in the Transfer Station area to reasonably control and comply with the permit conditions. Phil RIDLEY stated that, since April 2020, the lockdown pandemic restrictions has brought issues with staffing and industry outlets. This has created pressures on being able to process the volumes of waste that is normally produced from the daily site activities. This, paired with threats made against the business, has caused operations to focus its management strategy on security rather the volumes of material present across the permitted areas.

Classification

The classification of the residual waste stored in the Transfer Station and on Field 1 has been debated over the past two years. When material is stored for prolonged periods of time it can degrade to the point where the waste changes its properties. NRW have said previously that loose shredded material from the MRF should only be considered RDF once there is a determined outlet for it. Stockpiling loose material for this amount of time in this manner without a confirmed outlet cannot continue going forward; a change of waste management strategy is required.

Wood waste

There was less wood waste stored in the Transfer Station than previous inspections. This is possibly due to the operator being unable to utilise the material for the SWCP feedstock. No issues were noted with this waste activity.

Solid Recovered Fuel (SRF)

The SRF process offers a means of recovering a significant proportion of household and industrial waste. The SRF activity area in the Transfer Station has increased in its operation size since last inspection. This area has been solely allocated for the storage, processing and blending of waste to produce the SRF product, as per image 10.



Image 10 – showing SRF storage area in the Transfer Station

The process remains unchanged, which involves blending carpet material and medical waste (such as blue gloves), to bulk up the quantity in-line with the requirements of the consumer. There is a higher turnover rate for the overall process for accepting, storing, treating and final removing of the waste type. At the time of the inspection, there were large amounts of material stockpiled opposite the SRF unit with limited room for manoeuvre.

Because the recent permit variation has increased the tonnage throughout per annum, it is essential to manage stockpiles effectively. The mound seen in the left of image 10 was piled very highly - please be mindful of all stockpile sizes and manage them in accordance with guidelines.

Officer BOWDER highlighted that the carpet pile (used for blending with the waste) was pressed up against the side of the unit, as per image 11. Although carpet waste can be stored inside the building, this is not good storage practice to deposit waste in this manner. This is again due to the primary issue of the limited space availability.

Stockpiles of separate waste type were also witnessed merging at the base due to the lack of room.

ACTION

Establish clear gaps between all stored wastes and buildings on site.



Image 11 – showing carpet waste pile stored up against the SRF unit with no clear gap



Image 12 – showing waste stockpiles of different type merging at the base

ENVIRONMENT MANAGEMENT SYSTEM

The volumes of waste present on Field 1 and across the Transfer Station indicate that

waste acceptance procedures were not being followed in accordance with your Management System. The operator's management document states that RDF will be stored in accordance with procedures set out in **IMS 14-03**. This references the 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.”***

The current waste management strategy has resulted in large amounts of stockpiled waste being stored on site for over 12 months. A lack of contingency plan has compromised the procedures outlined in the Fire Plan. This has increased the risk of fire and impacted on the ability to deal with a potential fire incident. This has scored a root cause breach against the Environment Management System as a result.

ACTION

- **Follow your acceptance procedures to see that material is rejected when site capacity is reached.**
- **Review the waste management strategy to ensure that stockpiling of waste does not occur without a confirmed outlet.**

INFRASTRUCTURE AND DRAINAGE

The re-en network surrounding Field 1 appeared clear with no obvious signs of contamination. The drainage gully on Field 1 running parallel to the car park seemed a little clogged in places with water pooling - please ensure these are cleared and running freely. No obvious signs of drainage failings or containment issues. The business is continuing to submit monitoring data in accordance with the permit.

WASTE RETURNS

Quarter	Period	Deadline
1	1 January to 31 March	30 April
2	1 April to 30 June	31 July
3	1 July to 30 September	31 October
4	1 October to 31 December	31 January

The Quarter 2 waste return data for 2020 was submitted on 31 July 2020. This declared that the total tonnage of received waste was approximately 26,472 tonnes with 22,865 tonnes removed.

The Quarter 3 data was submitted on 31 October 2020. This declared that approximately

36,741 tonnes were received, and 35,161 tonnes removed. Over half of the material for this period has been sent out coded as 19 12 09 - mechanical reprocessing of mineral construction and demolition waste/roadworks waste.

Phil RIDLEY stated that there should be an overall material deficit for Field 1 waste since the last inspection.

INSPECTION SUMMARY

With the recent permit variation increasing the annual tonnage throughputs for various waste streams, it is even more essential to ensure volumes and stack sizes are controlled. Notwithstanding the told mitigating factors of the pandemic restrictions and site security, NRW still have concern for the control of waste on site under the current management strategy.

It is paramount to store stockpiled waste with the appropriate fire breaks, stack heights and separation distances to reduce the risk of fire. Not having these measures in place increases the likelihood of fire spreading from one stack to another and would make it difficult to manage a fire incident at the site. If a fire occurred on site, it would result in a large drain on emergency public resources in what are currently very strained economic times. Whilst some work has been conducted on Field 1 materials, removal of waste stockpiles older than six months needs to become the priority for the site.

Going forward, the site needs to change its waste management strategy to ensure that stockpiling of waste does not occur without a confirmed outlet. This means only processing large waste stream volumes where appropriate outlets are ready to accept the material.

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.