Compliance Assessment Report

Report ID: CAR_NRW0033911

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	14/08/2018	Time in	10:30	Out	12:00
Assessment type	Site Inspection				
Parts of the permit assessed	All				
Lead officer's name	Bowder, Alex				
Accompanied by	Tye, Laoni				
Recipient's name/position	David Neal, Phil Ridley, John Edwards/ Director, Business Development Director and TCM	Date issued	11/09/2018		

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	X	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3	Table S1.1 activities
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	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	**1**	**Total compliance score** (see section 5 for scoring scheme)	4

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

Regulatory Officers Alex BOWDER and Laoni TYE attended Atlantic Recycling Ltd (ARL) at Atlantic Eco Park, Newton Road, Rumney, Cardiff on Tuesday 14th August 2018 at 10:30 to carry out a routine inspection of the permit **EPR-PP3993VS.** The visit was joined by Business Fire Safety Manager Matthew Bradford from the Fire and Rescue Service (FRS) to assess the waste storage principles on site and compliance with the Fire Prevention and Mitigation Plan (FPMP) guidance.

Business Director Mr David Neal and RPS consultant Technical Director Dr. Ahlim Hashm were present for the meeting in the office. Phil Ridley and TCM John Edwards accompanied Officers Bowder, Tye and Bradford around the various permitted areas used to store and treat waste. The weather was warm and dry at the time of inspection.

ACTIONS FROM LAST CAR FORM

- Submit the outstanding 2018 Quarter 1 Waste Return document and send all future returns to NRW within the grace period. **Complete**

- Reduce all loose shredded stockpiles in Field 1 and the Transfer Station (TS) to comply with the four-metre height restriction. Implement procedures to see that material is not stored higher than this in future. **Complete**

- Amend ARL's Fire Plan so that it reflects the stack dimensions on site. **Complete**

- Demonstrate the storage principles and monitoring measures used for single stockpiles of large length and volume. **Complete**

- Increase the separation distances for all loose material (RDF) stockpiles on site so that it reflects Graph 2 of the FPMP guidance. **See below for further details**

FPMP AMENDMENTS

On the 10th August 2018 the business sent through an updated version of the FPMP document. The amendment includes separate storage times for processed RDF and mixed waste, along with an increase to the maximum storage length of loose waste piles from 80m to 100m.

We were advised that the site has reduced all stacks heights of stored material on site to four metres. It was evident that the sizes had been reduced, thank you for actioning this.

SEPARATION DISTANCES

Following the CAR Form **CAR_NRW0033463**, the business consulted Waste Industry Safety and Health (WISH) regarding the applicable waste categories for Graph 1 and Graph 2 in the FPMP guidance. To determine the data for which the Graphs in the FPMP were based on, WISH conducted fire tests on a variety of waste types. WISH guidance illustrates that the Graph 2 maximum burn temperatures were based on waste stacks which were mainly or wholly plastics or rubber.

On Tuesday 04 September 2018, the business submitted correspondence and reports from WISH regarding the fire testing of materials. ARL conducted testing and analysis on their residual material and have found it to be of approximately 30% plastic content. This is a lower plastic composition of the waste that WISH conducted burn tests on to produce the Graph data.

WISH have established that it is not appropriate to associate this material to the more demanding Graph 2 separation distances for plastic/rubber wastes. This is because, although this waste type is expected to contain a proportion of plastics/rubber, it does not reach or exceed the plastic content threshold to require the larger separation distances.

NRW have previously stated to the operator that they should be following the stack heights, lengths and separation distances for plastic/rubber wastes outlined in Graph 2 of the FPMP guidance. The business has stated that meeting the Graph 2 specifications, would make it difficult to process the expected waste volumes with the room available on site.

NRW are willing to accept, with the evidence you have provided from WISH, that the plastic composition of the loose residual material on site is appropriate to comply with the Graph 1 storage requirements. However, it is your responsibly to monitor the composition of material to ensure it does exceed these thresholds.

Following this, NRW have amended the <u>Category 2</u> breach of condition 3.7.1 from CAR Form CAR_NRW0033463 to a <u>Category 3</u> breach, to reflect the agreed separation distance requirements.

It has been advised that the business establishes a <u>12-metre separation distance</u> between all neighbouring waste piles, which complies with Graph 1 of the FPMP. There are no buildings on the site that are located adjacent to waste piles wider than 20 metres.

Picture 1 – showing the established separation distance between two residual waste stacks in Field 1

Picture 2 – showing the established separation distance between residual waste stacks stored in the Transfer Station

WASTE CLASSIFICATION

Category 3 breach

C4 – General Management - Storage, handling, labelling and segregation Condition - Table S1.1 activities

It is important for NRW to understand the business' waste classification process going forward. NRW have challenged the business' storage principles for RDF in-line with the specifications in Table S1.1 activities; storing loose RDF (unwrapped and unbailed) outside. The permit states:

"Treated wrapped or bailed RDF can be stored either inside a building or outside on an impermeable surface with sealed drainage".

When the business originally applied for the permit, the request was to allow storage of wrapped or bailed RDF outside (with temporary loose storage until wrapped). If operations have now changed to keep material loose due to needs of the consumer, then the permit needs to reflect this amendment to mirror activities on site. Storing loose RDF material outside unwrapped is currently non-compliant with permit condition **Table S1.1** and has incurred a breach as a result.

The site is not currently wrapping or bailing any RDF material stored on site. We have been advised that this will be an unlikely activity going forward, as the industry favours the material to be loose rather than wrapped.

If the business intends to store its loose RDF outside unwrapped, it must either:

i) store it inside a building
ii) wrap/bail the material
iii) conduct a permit variation to apply for this type of storage on an impermeable surface with sealed drainage.

If the business applies to vary the permit to allow storage of loose RDF outside, NRW will consider suspending all future scores of this permit condition, until the application is determined by our permitting department.

ACTION: Please submit ARL's with proposed plan from these options by 11th October 2018.

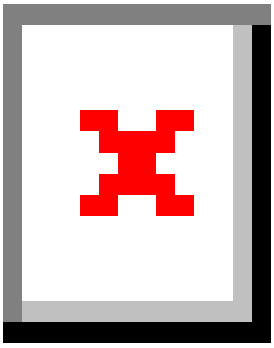
STOCKPILE VOLUME MANAGEMENT

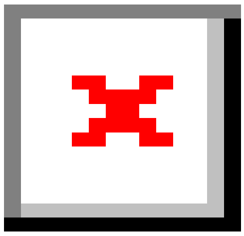
We were advised on the inspection that ARL is currently holding the largest amount of waste across the site, that it will typically accept, treat and store at any one point throughout the year. Therefore, it is imperative to comply with all permit conditions and to ensure fire risk is minimised - these maximum volumes should be detailed in the FPMP. It has been stated that waste volumes will decrease gradually into the winter months with seasonality.

There were concerns over the length of stockpiles being stored in Field 1. The Fire and Rescue Service gave comments on the waste stacks that were up to 100m in length. It was detailed that so long as the piles satisfy the FPMP separation distances from buildings and neighbouring piles outlined in Graph 1, then they should suffice.

The Field 1 stacks had separation distances of approximately 10 to 12 metres from neighbouring piles. All stacks were clearly numbered which corresponds to the whiteboard diagram in the operations office managed by James Perry, as illustrated in Picture 4. This shows the date the material is deposited, the stack location and the approximate size.

Picture 3 – showing a waste stack numbered in Field 1 approximately 20m in width and 100m in length, with a reduced height to four metres

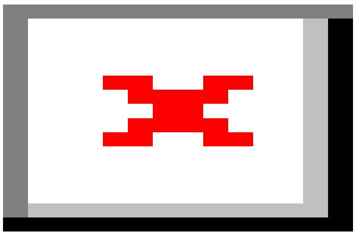




Picture 4 (a) and (b) – showing site plan diagrams in the office that correspond with Fields 1 and the TS

STORAGE TIMES

The site questioned the correlation between the amount of time waste spends on site with increased fire risk. NRW stated to operator that the permit storage conditions are determined not just for fire risk, but for general management of materials in order control excess stockpiling and throughput.



On page 19 of ARL's FPMP, Table 2 – ARL Site Maximum Storage Times of Waste, it states that the storage duration for loose processed RDF is <u>less than six months</u>. Although the Plan states ***'turnaround is expected to be less than three months, however there may be times where processed RDF and mixed wastes may be stored for a period up to six months'***, this implies that it intends to stay there for this period. This should be amended to <u>three months</u> with additional monitoring thereafter, to reflect the lesser storage requirement.

These storage times and maximum storage volumes need to be outlined in your Management System as well as your FPMP. NRW stress that once any material is shredded on site, the three months storage limit applies - NRW considers most of the waste present on site to be shredded.

<u>ACTION</u>: Amend EMS and FPMP to reflect maximum storage durations of three months with additional monitoring

The business is accepting, treating and storing larger waste volumes than most other Transfer Stations in the country; not many other sites take the FPMP guidance to its maximum parameters. Therefore, it is important that we agree on storage methods moving forward to ensure that any environmental risk is reduced.

We want to remind the company that environmental transfer station permits are not designed for sites to accept material, treat and then stockpile until the consumer is ready to take the product. The business model must be considered to ensure outlets are available for disposal/recovery before accepting more waste. It is important for us to determine the end destination of any RDF so that we can verify the outputs with your waste transfer notes/waste returns and to ensure compliance with storage limits.

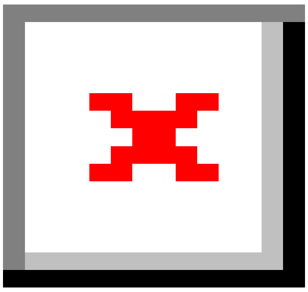
FIRE FIGHTING EQUIPMENT ON SITE

The company have mobile machinery on site, such as water bowsers, to segregate and extinguish hot spots in the event of an incident. We were advised about the designated quarantine areas in the yard and the water sources. These factors could assist in handling occurrences before emergency services arrive. However, the point was made that permit conditions and the FPMP guidance are there to <u>prevent</u> the instance of a fire occurring in the first place. Therefore, it is essential to comply with the limits set out, rather than focusing on the ability to deal with a fire incident.

<u>Material testing and data analysis</u>

This past year, the site has increased its control measures for monitoring the temperature of individual waste piles on site. The site now conducts 24-hour monitoring on loose RDF stockpiles regardless of the time spent on site.

We were shown the monitoring system in the office and were explained the alarm temperature triggers, along with the potential to receive notifications to mobile phone devices. Whilst it is good to see that the site is taking active responsibility in monitoring materials on site, you must ensure focus remains on the removal of the waste in-line with storage limits of the permit.

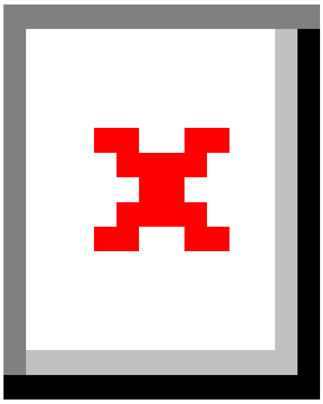


Picture 5 – showing the temperature monitoring system for individual waste stacks stored across the permitted area

SITE OBSERVATIONS

The site is in the process of carrying out Phase 2 of the MRF changeover. This consists of moving the heavy material separation process to the other side of the Transfer Station yard. The site has finished constructing the curbing around the boundary to allow a mesh netting to be raised - this should assist with the containment of litter.

We were also shown the biomass incinerator where, subject to the permit variation, Grade C wood from the TS is intended for disposal to heat the water in the Water Treatment Plant.



Picture 6 – showing constructed curbing around transfer station with netting to assist with the containment of litter

DRAINAGE AND INFRASTRUCTURE

It was stated that the yard is engineered to collect surface water run-off either side on the Transfer Station via a gradient that flows to a central culvert. This then leads to the main interceptor that has a consent to discharge to a settlement ditch that historically discharged to one of the designated field ditches within the SSSI. No blockages or water pooling was observed with drainage system at the time of inspection.

The ditch adjacent to the interceptor was looking quite murky upon inspection. We intend to analyse ground water monitoring submissions in more detail later this year.

WASTE RETURNS

Quarter 2 was submitted 30 July 2018 - it states that the business accepted 36,725 tonnes across the waste streams and removed 30,148 tonnes.

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

In addressing the points raised above it should not be relied upon to mean that the measures are considered to represent appropriate measures covering every eventuality through operation of the permit. ***Your FPMP should be kept under constant review to ensure measures remain effective. You must also ensure that the plan is fully implemented on site at all times. The plan should be revised where necessary in accordance with Section 24 - Reviewing and Monitoring your Fire Prevention & Mitigation Plan of the guidance.*** *In a future compliance assessment visit, we will undertake an assessment of your compliance with your FPMP.*

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	14/08/2018

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			
C2	X	Amend EMS and FPMP to reflect maximum storage times	11/10/2018
C4	C3	Submit the proposed plans from options provided	11/10/2018

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.