

Compliance Assessment Report CAR_NRW0037700

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 16/02/2021 between 10:30 and 11:30.

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

NRW Lead Officer: Alex Bowder, accompanied by Greg Gardner.

Report sent to: David Neal, Phil Ridley, John Edwards, Director, Business Development Manager and Technically Competent Manager on 25/08/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
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)	Action only (X)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C1 - General Management - Staff competency/training	Assessed (A)	
C2 - General Management - Management system and operating procedures	C2 Significant	1.1.1 - Suspended score
C3 - General Management - Materials acceptance	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
D1 - Incident Management - Site security	Assessed (A)	
D2 - Incident Management - Accidents, emergency and incident planning	C2 Significant	3.7.1 - Suspended score
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)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	

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
B3	The drain entrance on Field 1 was slightly congested at the time of inspection - please ensure this area is always cleared to maximise the efficiency of the drainage system.	05/03/2021
C2	(1) Follow your acceptance procedures to see that material is rejected when site capacity is reached. (2) Review the waste management strategy to ensure that stockpiling of waste does not occur without a confirmed outlet.	24/04/2021
D2	(1) Reduce all heights of stockpiled waste stored above four metres. (2) Remove all stockpiled waste deposited over six months.	24/05/2021
G4	Please can the operator submit comments on the removal works of each stockpile and submit transfer notes/details for the waste destinations. If this data is not received, we can formally request this in the form of an EPR 2016 Regulation 61(1) Notice requiring information.	12/03/2021

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 and Regulation Officer Greg GARDNER attended Atlantic Recycling Limited (ARL) at Atlantic Eco Park, Newton Road, CF3 2EJ on Tuesday 16 February 2021 at 10:30 to conduct a routine inspection of permit **EPR-PP3993VS** and to assess compliance with the Environmental Permitting (England and Wales) Regulations 2016 Regulation 36 Enforcement Notice.

Weather conditions were mild and wet at the time of visit after experiencing a night of heavy rainfall. Business Development Director Phil RIDLEY was present throughout the inspection and accompanied Officers around the permitted areas.

The site was last visited on 19 October 2020. Comments are detailed in CAR Form **CAR_NRW0037143**

PREVIOUS CAR FORM ACTIONS

CRITERIA	ACTION NEEDED CRITERIA	COMPLETE BY	OUTCOME
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 February 2021	Ongoing
D2	(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 December 2020	Complete
C4	(1) Establish clear separation distances between all stored wastes and buildings on site.	16 December 2020	Complete

UPDATES SINCE LAST INSPECTION

- On 12 March 2020, an EPR 2016 Regulation 36 Statutory Enforcement Notice was served on the operator. This required the height reduction of all stockpiles above four metres and for the removal of material stored over 6 months with completion dates specified for each respective stockpile.
- The operator chose to challenge the grounds of the Notice.
- On 25 November 2020, the site was visited by the Planning Inspectorate to assess the grounds of the appeal.
- On 11 December 2020, the Inspectorate chose to dismiss the appeal and affirm the Notice with modifications to the action deadlines.
- On 31 December 2020, the operator chose to challenge the Planning Inspectorate's grounds for the appeal dismissal to be judicially reviewed.
- On 27 January 2021, the operator's claim for interim relief from the Notice requirements were denied.
- The outcome of the decision is to be decided by the High Court of Justice.

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."

- Excessive stockpile dimensions of stored waste on site
- Deposited waste exceeding maximum storage times

Please see report content for further justification.

SUSPENDED SCORE* - 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 giving rise to excessive stockpiling of materials across the site.

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.

Please see report content for further justification.

SITE OBSERVATIONS**FIELD 4**

Officers started the visit by inspecting the waste deposited on Field 4. It was apparent that large stockpile of inert glass-based waste noted on the last inspection was still present, as per image 1. The intention for this material is still to be stored on Field 4 before being taken to the Transfer Station and put through the MRF to obtain the recyclables. The operator intends to surcharge the ground in this field to make an appropriate surface for future activities. Please note the retention times and maximum stockpile dimensions for this waste to ensure that it is treated and removed accordingly.



Image 1 – showing the large volume of inert material stored on Field 4, taken 16 February 2021

FIELD 1

Officers then walked around Field 1 to inspect the stockpiles of loose waste stored on the concrete slab.

Fire Mitigation

On 3 October 2020, the operator sent photographs to confirm the clearance of the fire breaks between stockpiles. NRW agreed that operator had sufficiently cleared all material from the fire breaks and had established complaint separation distances between all stockpiles. Thank you to the site for actioning this promptly and diligently. All separation distances were adequate at the time of inspection.



Image 2 – showing clear the separation distance between loose waste stockpiles on Field 1, taken 16 February 2021

Stockpile temperature readings

The majority of the readings displayed in the security office for the Field 1 stockpile temperatures, were ranging between 20 and 40 degrees Celsius, with Bay 2 having a reading of 57.5 degrees. The operator continues to actively monitor all stockpiles stored over three months and document any notable changes in temperature.

Waste Storage Times

The operator has made efforts to remove and reduce some of the stockpile sizes on Field 1. Stockpiles 1 and 3 have been removed from the site and replaced with newer material. Stockpile 6 is still the oldest waste pile present which has been on site for over 24 months; 18 months longer than permitted. Despite the additional monitoring measures in place, numerous stockpiles are still exceeding the storage limitations of the operator's activities:

STACK No	DEPOSIT DATE	6 MONTH DATE
1 (removed)	28 April 2019 (removed)	-
2	29 May 2019	29 November 2019
3 (removed)	27 June 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

In 2020, NRW asked the operator to provide information clarifying the removal work completed for each respective stockpile on Field 1. This involved commenting on the volumes removed, heights reduced and the current age of all stockpiled material. This information is required to ensure that everyone is working off the correct numbering of the stockpiles and to gauge the removal progress. We also require information on where any of the historic waste has been sent to.

ACTION

This information has not been received.

Please can the operator submit comments on the removal works of each stockpile and submit transfer notes/details for the waste destinations. If this data is not received, we can formally request this in the form of an EPR 2016 Regulation 61(1) Notice requiring information.

Deadline: Friday 12 March 2021

Waste Stockpile Heights

From observations made on the inspection, the operator has failed to fully satisfy step 1 of the Notice to reduce heights of stockpiles above four metres. It was estimated that stockpiles 1, 2, 3, 6 and 7 were between 5 - 6 metres high, with stockpiles 4 and 5 being slightly over:

- Stockpile 1 - Estimated to be above 4m
- Stockpile 2 - Estimated to be above 4m
- Stockpile 3 - Estimated to be above 4m
- Stockpile 4 - Estimated to be above 4m (slightly)
- Stockpile 5 - Estimated to be above 4m (slightly)
- Stockpile 6 - Estimated to be above 4m

- Stockpile 7 - Estimated to be above 4m

The operator stated that they were unable to comply with the step 1 height reduction in the timescale given. Because of the current appeal taken against this matter, this score has again been suspended and no action will be taken at this time.

Waste Stockpile Removal

The site has begun processing and removing the oldest stockpile 6 (as per step 2 of the Notice). The operator stated that, from 01 January 2021, their books should show just under a 5,000-tonne deficit in material leaving site. The operator also stated that they have begun taking material to landfill as a last resort. Weather permitting, they aim to have an average monthly net reduction of between 6 to 8,000 tonnes going forward. The operator has claimed to be working towards a nett reduction of 8-10,000 tonnes of Field 1 waste for Quarter 1 2021.

Further work needs to continue to reduce all stockpile sizes to manageable, safe and complaint levels. This should become easier as 2021 progresses with outlets for the material slowly returning to pre-Covid 19 tonnage levels.



Image 3 – showing the height and length of stockpile 6 on Field 1, taken 16 February 2021



Image 4 - showing the ends of three of the stockpiles on Field 1, taken on 16 February 2021



Image 5 - showing various stockpiles and the open space where processing of the material takes place on Field 1, taken on 16 February 2021



Image 6 - showing the height and length of Stockpile 2 on Field 1, taken 16 February 2021

ENVIRONMENT MANAGEMENT SYSTEM (EMS)

The volumes of waste present on Field 1 indicate that waste acceptance procedures were not being followed in accordance with the Management System. The operator's 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 waste management strategy has resulted in large amounts of stockpiled waste being stored on site for nearly 24 months. A lack of contingency plan has compromised the procedures outlined in the Fire Plan which has impacted on the ability to deal with a potential fire incident. This has scored a root cause breach against the EMS procedures as a result.

**This score has been suspended due to the ongoing appeal. **

TRANSFER STATION

There was minimal wood waste stored in the Transfer Station at the time of inspection.

Material Recycling Facility (MRF)

Phase 2 of the MRF was said to be in full production. On the last inspection in October 2020 (CAR_NRW0037143), the Officer raised concerns about the large volumes of waste being present in the Transfer Station area.

It was evident that there was less waste stored in this work zone compared to the last visit, however large amounts were still present across the area. The operator stated that this is the working area with a high turnover of material - which they are in constant control of. We must reiterate that stockpiles should not be exceeding height restrictions, and despite high turnover of deposited material, waste piles should be distinctly separated to distinguish material age/type and to uphold fire safety principles. If this is not possible due to lack of room, the operator should stop processing and stockpiling material to account for this.



Image 7 - showing volumes of waste stored in the Transfer Station viewed from the MRF, taken 16 February 2021



Image 8 - showing processed material stored in one corner of the Transfer Station, taken 16 February 2021

Solid Recovered Fuel (SRF)

The Officer asked whether the site accepts material coded as EWC 18 __ - wastes from human or animal health care. It was stated that the only material accepted to site that could be attributed to 'healthcare waste' are blue medical plastic gloves that are used in the feed to produce the SRF product; this gets sent to Aberthaw Power Station. The operator stated that they do not accept any materials coded as EWC 18 __ knowing that it's not one of their permitted waste codes.

On the last inspection, there were large amounts of material stockpiled opposite the SRF unit with limited room for manoeuvre. This SRF area was now completely cleared, as illustrated in image 9 - this indicates that the operator can get rid of waste. Better separation distances were also observed in this area between the waste streams and units.



Image 9 - showing the SRF area cleared of all material, taken 16 February 2021

INFRASTRUCTURE AND DRAINAGE

The reed network surrounding Field 1 appeared clear with no obvious signs of contamination. The drain entrance on Field 1 was a little clogged at the time of inspection - please ensure this area is always cleared to maximise the efficiency of the drainage system.

The business is continuing to submit monitoring data in accordance with the permit.



Image 10 – showing the drain entry on Field 1, taken 16 February 2021

On 16 September 2020, the operator's permit was partially varied to **PP3993VS/V007** to include new operational activities and increased tonnage allowances for various waste types. These activities that are regulated by the Industry Regulation Team - NRW intend to arrange a handover visit to introduce the Industry Regulating Officer going forward.

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.