

Compliance Assessment Report CAR_NRW0038937

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 14/09/2021 between 10:30 and 12:00.

Parts of permit assessed: Site Inspection / Handover

NRW Lead Officer: Lewis Evans, accompanied by Antony Leakey, Alex Bowder.

Report sent to: Phil Ridley, Business & Development Director on 17/11/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
D2 - Incident Management - Accidents, emergency and incident planning	C2 Significant	3.7.1
A1 - Specified by permit	C4 No impact	2.5.1

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

Total number of non-compliances recorded	Total non-compliance score
2	31.1

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	Please submit by the 2nd December or a date agreed in writing with Natural Resources Wales on how you are planning on removing the material from the Transfer Station area, as a material reduction plan document.	02/12/2021
A1	Please submit your response to IC2 without delay.	31/01/2022

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, Senior Industry Regulation Officer Lewis EVANS and Senior Specialist and Acting Industry Regulation Team Leader Tony LEAKEY attended Atlantic Recycling Limited (ARL) at Atlantic Eco Park, Newton Road, CF3 2EJ on Tuesday 14 September 2021 at 10:30 to conduct a handover inspection of permit **EPR-PP3993VS**.

Business Development Director Phil RIDLEY and Technically Competent Manager (TCM) John EDWARDS and Gavin POWELL were present throughout the inspection and accompanied Officers around the permitted areas. Weather conditions were mild at the time of visit with some pooling of surface water witnessed on the infrastructure after experiencing slight rainfall the night before.

The site was last visited on 16 February 2021 with comments detailed in CAR Form **CAR_NRW0037700**.

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.

The Wastewater 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. This has potential implications for operation of the WWTP which is stated to require heat input to maintain effective treatment. However, NRW considers this is only likely to be a problem during extremely cold weather (see further observations below).

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

Site observations

Field 4

It was apparent that a large stockpile of inert glass-based waste noted on the last inspection, was still present. The material was growing vegetation in places, be mindful of retention times, as you can't store indefinitely.

These are:

- one year or more where waste is destined for disposal; or
- three years or more where waste is destined either for recovery or for treatment

Field 1

Operator mentioned that the removal of material deposited on Field 1 had been slow. There were established separation distances between neighbouring stockpiles at the time of inspection. There was a stockpile of wood waste present. Stockpile 2 was the largest in length and volume.

More than one of the stockpiles were above 4 metres in height, remaining unchanged from previous inspections. An adequate quarantine area, which is 50% of the largest stockpile was present on Field 1 at the time of the visit.

ACTION: Please can the operator submit comments on the removal works of each Field 1 stockpile and submit transfer notes/details for the waste destinations, by 02 December 2021 or a date agreed in writing with Natural Resources Wales.

This is to allow us to gauge the progress made and what is material remaining to be removing.

If this data is not received, we can formally request this in the form of an EPR 2016 Regulation 61(1) Notice requiring information.

Sampling point WS05 was covered with soil from recent works on site.

ACTION: Please remove the soil that is covering the sampling point and ensure all other sampling points are clear by the next sampling round or inspection.

Transfer Station

A stockpile of material (picture below) has been noticed to be accumulating considerably on site near the Transfer Station. The height of the stockpile is estimated to be above 7m in height with a significant length, this is well above the 4m height as stated in NRW's FPMP guidance document. Also, there were no firebreaks seen on the stockpile on the transfer station. Firebreaks are a requirement of the FPMP guidance and the site's FPMP. This is concerning as on the day, no temperature probes were installed, which given the height of the stockpile poses a fire risk. Since the visit, ARL have stated that temperature probes have been installed (see action below), this however doesn't eliminate the risk of a fire breaking out.

ACTION: Create firebreaks in the stockpile located on the Transfer Station.

It was mentioned to the OFFICERS on the day that the stockpile has accumulated over the last several weeks. On the day no probes were installed but since the visit temperature probes have been placed in the stockpile.

ACTION: Provide photographic evidence that firebreaks have been installed and that the height of the stockpile has been reduced. 02 December 2021 or a date agreed in writing with Natural Resources Wales.

Fire Mitigation

Stockpile temperature monitoring - Officers were shown the respective stockpile temperatures in the security office. Officers asked what is classed as an 'amber' category and what the procedures are in place for managing this. In the email received 30th September 2021, it was stated that

"although we would not consider this material to be a stockpile per say (for reasons stated in prior correspondence) we have now installed 2 metre temperature probes as per your

request and continue working to reduce the height and overall volume. Today, we also have a representative of Freeland (probe supplier) on site to conducting a full inspection and calibration of the probes.”.

ACTION: Please submit a profile of the temperatures since the installation of the probes, and details of the location and depth of the probes within the stockpile by 02 December 2021.

On the day of the visit OFFICERS noticed an odour coming downwind from the stockpile, although ARL staff did not notice the odour when this was mentioned. This could be due to desensitisation as they work on site and are familiar with the odour.

Since the visit there have been discussions via email and in the email received on the 30th September 2021 it states that ARL will *“initially (and immediately) conduct our own investigations of the site as a whole and principally of the waste piles and processing areas, including gas detection. Once we have completed this exercise, we will look to instruct our environmental consultants RPS to conduct a formal odour assessment of the site for record.”*

ACTION: Please confirm the proposed date for odour assessment by 02 December 2021, and submit the report when completed, to NRW.





Stockpile volumes

From the last inspection, there were actions to:

- (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.

We have not received information relating to these actions from CAR form (CAR_NRW0037700) issued on the 24th February 2021.

Action: Please can you provide information relating to the actions in the previous CAR form by the 02 December 2021.

NRW are concerned that, without secure outlets confirmed prior to processing and stockpiling this waste, the material management strategy hasn't been effectively reviewed to address this. This resulted in excessive stockpiling that occurred almost two years ago. A waste return audit is to follow.

During the last 18 months or so, not only has Covid-19 affected the business but recently there has been a shortage of Heavy Good Vehicle (HGV) drivers and a brief period of fuel shortages in the UK. As a result of the driver shortfall, ARL stated that over 50% of their fleet have been parked up on site which has greatly hampered their ability to remove material as efficiently as they would wish. Since this, ARL have improved their recruitment for HGV drivers but anticipate there will further issues in the run up to Christmas 2021.

However, from the submitted waste returns for Q1, Q2 and Q3, this shows that there has been a net reduction of 3412.79 tonnes on site between the months of January and September.

Based on the waste returns data available (see below), discussions with ARL and observations on site NRW is of the opinion that there are insufficient available outlets for the historic, current, and future waste inputs to the site. This has serious implications for long-term compliance with the environmental permit and in particular condition 3.7.1 (FPMP). This is a category 2 non-compliance due to the ongoing potential for accumulation and actual accumulation of waste stockpiles in excess of 4 metres in height. NRW will consider what further action is appropriate, but in the meantime ARL is invited to provide a

detailed management plan for reducing current stockpiles in the shortest possible time and ensuring that future waste inputs are in balance with removals to ensure that working stockpiles meet the permit requirements for compliance with the FPMP.

ACTION: As mentioned in the email received 30th September 2021, please submit by the 1st December 2021 or a date agreed in writing with Natural Resources Wales on how you are planning on removing the material from the Transfer Station area, as a material reduction plan document.

We note you have declined NRW conducting a drone survey of relevant stockpiles on site to assess compliance with the current Regulation 36 notice and the permit FPMP condition 3.7.1. We are surprised and disappointed with this response given the current situation at site and our preference for cooperative working with duty holders. We will give ARL the opportunity to propose a methodology for NRW to track progress with waste removal, or for ARL to make the demonstration to NRW, either remotely using appropriate technology or through site inspections if necessary. However, we will draw ARLs attention to the fact that NRW only require permission to launch drone flights from private land and can overfly private land if the flight is launched from offsite. We will review the need for drone surveys after we have received and assessed your detailed proposals. We would be happy to share images with ARL should the use of drones be carried out.

Waste Returns

Q1 document received on 30 April 2021.

Waste received on site totals 34,445.38 tonnes and the Wastes Removed totals 40,095.22. This calculates as a net reduction of 5,649.84 tonnes in Q1.

Q2 document received on 4 November 2021.

Waste received on site totals 37,048.40 tonnes and the Wastes Removed totals 36,941.11. This calculates as a net increase of 107.28 tonnes in Q2.

Q3 document received on 4 November 2021.

Waste received on site totals 38,216.01 tonnes and the Wastes Removed totals 36,086.25. This calculates as a net increase of 2,128.76 tonnes in Q3.

The data shows that the site has had a net removal of 3,412.79 tonnes of material for 2021 up until Q3 2021.

ARL Waste Returns				
	In	Out	Net total Accumulation/Reduction	Overall accumulated Waste on Site
2015	Power BI Data			
Q1, 2, 3 & 4	133,560.00	124,890.00	8,670.00	8,670.00
2016	Power BI Data			
Q1, 2, 3 & 4	58,130.00	34,220.00	23,910.00	32,580.00
2017	Power BI Data			
Q1, 2, 3 & 4	115,320.00	116,220.00	-900.00	31,680.00
2018	Waste Retun Calculation			
Q1, 2, 3 & 4	135,498.72	123,726.00	11,772.72	43,452.72
2019	Waste Retun Calculation			
Q1, 2 & 3 Q4 Missing	126655.28	117,329.19	9,326.09	52,778.81
2020	Waste Retun Calculation			
Q1, 2 & 3 Q4 Missing	91,096.57	90,299.64	796.93	53,575.74
2021	Waste Retun Calculation			
Q1, 2 & 3	109,709.79	113,122.58	-3412.79	50,162.95

Key	
	Net accumulation of waste in the year
	Net reduction of waste in the year

The table above shows the waste returns data submitted by ARL from 2015 to present (including the Q2 and Q3 returns for 2021). As you can see the red coloured boxes show an accumulation of wastes on site, apart from 2017 and so far in 2021 where 900 and 3412.79 tonnes (in green) of material have been removed from site. The far-right column shows the overall accumulation of waste year on year and currently shows 50,162.95 tonnes on site, which is substantial.

This shows that there are insufficient outlets for a significant proportion of the imported wastes on site.

ACTION: Please can you submit the waste returns for Q4 in 2020 and 2019 by 02 December 2021.

SRF

No issues were noted in the SRF area. There were discussions with ARL regarding expansion of their SRF business in the future. If this is the case, a permit variation will be required to increase the material allowed to be processed. For your information, there is currently a high amount of applications with the permitting department. Therefore, there is an approx. 5-month queue before an application has been allocated to an officer with a subsequent 4-month determination period, assuming the application does not require further information to be submitted. This lead time should be taken into account in your business planning processes to ensure that the necessary permit is in place when the increased throughput is due to commence.

WWTP

Tony LEAKEY stated that it may be possible to run the effluent treatment plant using ambient temperatures rather than the need to warm up the effluent. For example, landfill leachate treatment plants generally operate for most of the year without external heating

and problems usually only occur during prolonged periods of extremely cold weather. The coastal climate at the ARL site should ensure that some biological activity can be maintained by the treatment plant, although it may be necessary to provide additional feed and nutrients to maintain the biomass activity if the waste water to be treated has low TOC content compared to the design level of the plant.

NRW have not received information relating to IC2 in Table 1.3 Improvement programme requirements. This is a category 4 non-compliance of permit condition 2.5.1.

ACTION: Please submit your response to IC2 without delay.

ACTION: ARL to review WWTP design and operating procedures against current good practice and identify any changes necessary (taking the above into account) to ensure that water ELVs will be met. A report updating the response to improvement condition reference 2 (if necessary) shall be submitted to NRW by 31 January 2022.

Biomass boiler

OFFICERS went to see the SWIP biomass boiler. Grade C waste wood was intended to be the feedstock for the boiler. This addition was not included in the recent permit variation. Reinstating here, that the SWIP biomass boiler is not to be used as heating for the surface water nor any testing as this would be a breach of permit conditions. The biomass boiler will need to be varied into the permit for you to use. Discussions mentioned above under "WWTP" on the need to use the boiler to heat up the effluent.

Wood waste

No issues noted. This area was located next to the SRF unit, which was said to be dynamic.

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.