

Compliance Assessment Report

Report ID:
CAR_NRW0026467

This form will report compliance with your permit as determined by an NRW officer

Site	Atlantic Ecopark NRW/EPR/VP3095FS/V010	Permit Ref	VP3095FS			
Operator/Permit holder	Neal Soil Suppliers Ltd					
Regime	Installations					
Date of assessment	20/09/2016	Time in	11:30	Out	12:30	
Assessment type	Site Inspection					
Parts of the permit assessed	Storage and treatment					
Lead officer's name	Danter-Hill, Gareth					
Accompanied by	Su Fernandez					
Recipient's name/position	John Edwards/ Compliance Manager	Date issued	02/11/2016			

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	C2	1.1.1:2.1.1
B1 - Infrastructure - Engineering for prevention and control of emissions	C3	2.1.1
	A	
B4 - Infrastructure - Containment of stored materials	A	
C2 - General Management - Management system and operating procedures	C2	1.1.1
C4 - General Management - Storage, handling labelling and Segregation	C2	2.1.1
D1 - Incident Management - Site security	A	
F3 - Amenity - Dust/fibres/particulates and litter	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	4	Total compliance score (see section 5 for scoring scheme)	97
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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

The site was inspected by Gareth Danter-Hill and Su Fernandez of NRW and they were accompanied by Phil Ridley of Atlantic Recycling as John Edwards was not available.

The following branches have been identified within the site inspection.

A1-Permitted Activities-specified by permit. A category 2 breach has been scored against permit condition 1.1.1 and 2.3.1

No formal action points on the treatment of hazardous waste have been submitted to NRW since the meeting on the 3rd October or since the requests within the audit. As a result of this, and the recent communication that hazardous waste is still being accepted at site and producing non hazardous outputs, NRW are of the opinion that the process of treating hazardous waste on site continues to be defective. This has potential to have a major effect on the ground beneath the waste storage piles where this output has been stored. In addition to this, it is reasonably foreseeable that it could adversely impact ground waters locally. NRW are also in receipt of a document from RPS that details that the soil and aggregate processing activity and the wash plant are not technically linked or directly associated. NRW believe this to be incorrect as identified within the audit. NRW believe that operations are very much directly associated with each other, therefore Neal Soils continue to be non compliant with the SGN5.06.

ACTION: Please improve on site operations to ensure that the hazardous waste elements are removed within the filter cake and are disposed of correctly. If NSSL wish the soils and aggregate processing facility to be a non directly associated activity, NRW would welcome a proposal on how this is to be achieved.

B1-Infrastructure-engineering for the prevention and control of pollution. Category 3 breach against permit condition 2.1.1

This breach has been scored for the stored metal wastes off the required infrastructure in the area near to the transfer station operations. This waste has been stored in this area for a prolonged period of time. Neal Soils have submitted an action point surrounding this waste that details the commencement of treatment and the subsequent removal of the metal from site. The remaining mixed aggregate/soils will be processed and stored in relevant bays on site. The proposal details that work will begin on the 26th October 2016 and will take approximately 2 weeks for the metals to be removed.

ACTION: Please ensure that the submitted proposal is complied with and that the metal wastes are removed from site before the 11th November 2016.

C2-General management-Management system & operating procedures. Category 2 breach against permit condition 1.1.1.

This breach of permit has been scored as the root cause for the failings across the site. The breaches that have resulted from this failing will be identified separately.

Serious failings of the IMS procedures are occurring across the site. Most concerning of all is the lack accountability shown by NSSL surrounding the failings. In a recent meeting it was identified that NSSL feel that they are compliant with the IMS on site and that IMS 12 is working well. There was no mention for the rest of the IMS and any improvements that are to be made and reviewed.

ACTION: Please improve operations on site. Please submit to NRW a timescale for IMS review as detailed within a meeting on 3rd October 2016 that is to encompass all failings identified both on site and within the audit.

C4-General management-Storage, handling, labelling, segregation. Category 2 breach of permit condition 2.1.1.

This breach has been scored for the major storage failings on site. Due to the incorrect processing of hazardous waste on site, large quantities are being stored and blended with the soil and aggregate facility wastes in the fields. The tonnage limit for the storage of waste is being significantly breached and quantities need to be removed from site in order to reduce the volumes stored. In addition to this, pile sizes are significant and the permit requires that the height of the piles is kept to a maximum of 4m. In some areas pile sizes are in excess of 10m.

ACTION: Please remove large quantities of waste from site in an attempt to reduce overall tonnage.

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EPR Compliance Assessment Report

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Site	Atlantic Ecopark NRW/EPR/VP3095FS/V010	Permit Ref	VP3095FS
Operator/Permit holder	Neal Soil Suppliers Ltd	Date	20/09/2016

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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	C2	Improve operations on site to become compliant with permit conditions	01/11/2016
B1	C3	remove the waste stored in breach of the permit conditions	31/12/2016
C4	C2	Submit a methodology on how NSSL are going to lower the tonnage held.	30/11/2016
A1	C2	Improve operations on site to treat and process hazardous waste correctly	30/11/2016

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.