

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	20/12/2017 - 05/02/2018	Time in	10:30	Out 12:00
Assessment type	Report/Data Review			
Parts of the permit assessed	Annual report, monitoring returns			
Lead officer's name	Willey, David			
Accompanied by				
Recipient's name/position	John Edwards/ Group Compliance Manager	Date issued	05/02/2018	

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
<p>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.</p>		

Number of breaches recorded	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Compliance Assessment Report acknowledging the site visit on 20th December 2017, the 2017 monitoring returns and the 2016 annual report.

The weighbridge is now in place weighing both incoming and outgoing material. The weigh bridge is designed to allow an inspection of the material from a high vantage point, forming part of the waste pre-acceptance procedures.

The hazardous waste storage area was confirmed to be located on the impermeable hardstanding area and is constructed to prevent any physical cross contamination with other stored materials. The leaching of the material would be captured through the water collection system on site and used in the soil washing process where agreed control levels to monitor against elevated levels of contaminants is in place.

NSSL stated that there will be a purpose built hazardous waste storage area once the new paving scheme has been completed. This is very important as any hazardous material cross contaminating another stockpile would deem that stockpile as hazardous material in line with condition 2.4.1 of the permit.

NSSL agreed it would be a worthwhile exercise detailing the process of the treatment of a hazardous waste batch setting out the pre-waste screening, pre-hazardous waste preparation of the wash plant and the additional treatments techniques and associated testing involved of the final product.

ACTION: NSSL to inform NRW when this takes place to enable an associated audit to be undertaken.

Annual report for 2016

The annual report was received by NRW with the following comments:

- Could NSSL confirm what amendment has been made following the review of IMS 17-02 undertaken by John Barritt Consulting Ltd?
- IMS 17-01 was revised in March 2017.
- Paragraph 2.6 discusses recovery efficiency. NRW are currently undertaking an assessment of the Best Available Techniques used at the site and the associated quality protocols the site produces their material to. This report will be produced separate to this CAR Form and will identify whether the Best Available Techniques are being adopted.
- The resulting light sludge removed from the DAF plant is collected separately and removed as hazardous waste from the site with the waste transfer notes provided in Appendix C. The hazardous DAF plant sludge is referred to as light sludge with light debris screened from the process and transferred to Atlantic

Recycling for further processing.

- A further audit of the use of the DoWCoP at the site will be undertaken in 2018/19.
- The site has associated performance parameters that are required to be reported annually, these are:
 - Water usage – surface water is collected from the site itself and used in the wash process. There are agreed water quality levels for the wash water to ensure the level of contaminants do not become concentrated.
 - Energy usage – A total of 222,878 litres of diesel oil was used on site in 2016.

Groundwater monitoring – 6 monthly

As required by permit condition 3.4.1 of the permit groundwater monitoring is undertaken on a six-monthly basis. The permit requires monitoring at WS6, WS7, WS10, WS11, WS12, WS13, WS14 and WS15.

An e-mail was received from RPS on behalf of NSSL on the 12th January 2018 discussing the requirement of groundwater monitoring.

WS6 and WS7 were found to be totally damaged and boreholes WS13 and WS14 were found to be completely dry during the monitoring period. NSSL have had regular difficulties obtaining appropriate samples from WS14 as the quantity of water was always very small.

NSSL questioned the relevance of monitoring this perched ground water and asked NRW to consider removing such monitoring in the report *“Baseline Water Environment and Monitoring Report – Neal Soils Suppliers Ltd and Atlantic Recycling Ltd- February 2017”*.

Within this report NSSL assessed the source-pathway receptor model for the site and concluded the following:

“Porewater within the TFD and localised perched groundwater within the Made Ground cannot be considered to constitute a receptor for the consideration of water environment risk on the NSSL and ARL site. As the groundwater in the Made Ground and TFD is not a receptor, it is inappropriate that the groundwater dataset is screened against nonrisk based limits for the purpose of determining permitting compliance. As such we recommend that the groundwater compliance assessment is removed from the EP of NSSL and ARL. It is recommended that groundwater monitoring is ceased but additional field ditches are added to the annual biological monitoring in order to provide greater site-wide coverage. These would be agreed with NRW”

The issue of groundwater monitoring and the proposed removal of such monitoring was discussed with NRW on 31st July 2017 and was approved, in principle, but requested to review the reports in detail before finalising a decision on the matter.

The Geoscience team at NRW have been contacted regarding this with their understanding that the groundwater monitoring will continue for the purposes that it is a pathway to the reens i.e. almost like an early warning. At present, there are targets set for the perched groundwater and it is this requirement that has been requested to removed.

Any future surrender of the site (including perched groundwater) would need to be returned to a satisfactory state with no deterioration from the baseline.

Surface water monitoring – quarterly

Table S3.1 of the permit requires quarterly monitoring in line with the monitoring plan as agreed with the Environment Agency (now NRW). The table refers to ‘Other specifications’ not emission limits. These are

considered to be trigger levels that would indicate when a limit is being approached. This enables corrective action before any limits are breached.

NSSL submit monitoring reports in response to any trigger levels exceedances that are reviewed by NRW.

For surface water NSSL currently submit to NRW the quarterly monitoring results, quarterly water quality monitoring reports and a remediation action report. Permit condition 4.2.2 requires monitoring to be submitted within 1 month of the end of each quarter. This would enable NSSL to submit the three documents as one to NRW. For example, Q4 (Oct – Dec) would be submitted by the end of January.

ACTION: NSSL to submit the monitoring data, associated report and action plan within one month of the end of each quarter as one submission.

2017 monitoring was received with the following comments:

- Q2 and Q3 for SW18 recorded high readings of sulphate and chloride
- Q2 for SW19 recorded slight exceedance of sulphate
- Q2 and Q3 for SW20 recorded high readings of sulphate and chloride. Levels were still elevated for chloride in Q4.
- Q3 for SW21 recorded high readings of chloride.
- Q1, Q2 and Q3 for SW24 recorded high readings of sulphate as well as Q2, Q3 and Q4 for chloride.
- Q3 for SW25 recorded high readings of sulphate and chloride

ACTION: NSSL to provide information for why the levels at SW19 were not increased in a similar range of magnitude to SW18, 20 21, 24 and 25.

During 2017 there were monitored high levels of Chloride. The associated Remediation Action Plans identify increased levels of saline water entering the reem system as being responsible for the increase in these parameters. The annual Water Quality Monitoring Site Meeting 2017 confirmed that the tidal sluice gate will be repaired by NRW. NRW are awaiting confirmation that this has now been repaired.

The report '*Baseline Water Environment and Monitoring Data, February 2017*' was submitted setting out regulatory considerations for NRW. These include surface water monitoring and compliance requirements in section 5.4 page 64 and groundwater monitoring and compliance requirements on page 66. Changes to the permits requirements would need a permit variation. Pre-application discussions would be advisable to ensure the necessary information is submitted to the permitting team.

Operator Monitoring Assessment

During the site visit on the 20th December 2017 NRW discussed Operator Monitoring Assessments (OMA). NSSL have not yet had an OMA with NRW proposing an OMA to be carried out in Q3/4 of 2018/19.

Details of the requirements of an OMA can be found at the following addresses. The guidance includes testing for emissions to water as well as the testing of soil.

<https://www.gov.uk/government/publications/oma-preparation-for-an-audit>

<https://www.gov.uk/government/collections/monitoring-emissions-to-air-land-and-water-mcerts>

Integrated Management System

The IMS was submitted for 2017 in response to condition 1.1.1 of their permit.

ACTION: Please supply the up to date version of the document IMS03.02 – Objectives, Targets and Environmental Management Programme

The IMS also refers to the document IMS14-02 Neals Environmental Checklist

ACTION: Please could NSSL provide an example copy of the checklist referred to in IMS14-02.

Material stored in fields 7, 8, 9 and 11

The storage of material was discussed during the site visit on the 20th December 2017. The site confirmed that the material stored at these locations has begun to be processed. The material in field 11 showed evidence that this material has begun to be treated.

ACTION: NSSL to provide timelines for the treatment of the material in these fields as well as confirmation of the total amount of material currently stored on site.

Baseline data

During the planning application for the paving scheme there were discussions regarding the baseline data. On surrender of their permit the site is required to return the site in line with the submitted site condition report or equivalent that was submitted as part of the permit application. In the absence of any site condition report the site would be required to return the site to green field status.

Waste returns

The waste returns for 2017 have been received as well as the DoWCoP submission from NSSL.

ACTION: If not already in place NSSL to maintain an overview of incoming and outgoing material from the NSSL site. The purpose of which is to demonstrate to NRW that there is not surplus material entering the site.

OPRA score

The current OPRA score for NSSL is 78. This will be reviewed in 2018.

Hazardous waste payments

There were three outstanding hazardous waste payments due from NSSL, these were:

£2710 on 20th March 2017

£2290 on 21st March 2017.

£10230 on 22nd March 2017.

This was raised by NRW during a site inspection with the payments now paid by NSSL.

Future at the site

The site is looking to increase capacity and throughput at the site. This does not require a permit variation but the site needs to ensure it is meeting the Best Available Techniques for the equipment to be used. The proposed changes at the site will include a barrel wash and will improve the quality of the end material.

ACTION: NSSL to provide an updated Best Available Techniques assessment for the proposed equipment to replace the existing wash plant.

The site currently has diesel generators for their electricity requirements and are planning on installing 3 x 3MW boilers using grade C waste wood as a fuel with battery storage for excess electricity.

The resulting heat from the CHPs would be used to dry either the screened waste from the soil washing process prior to RDF/SRF and/or the filter cake with the resulting dry material used in the production of a BS Standard soil.

NRW advised NSSL to request some pre-application discussions before submitting a variation application.

A CAR Form is in the process of being put together that will confirm the completion of the actions in the CAR Form issued on 30th May 2017 as well as assessing the wash plant against the relevant Best Available Techniques.

END

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0032834**

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	Date	20/12/2017

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			

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.