Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report

Report ID:
CAR_NRW0034281

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	15/11/2018	Time in	10:30	Out	11:15
Assessment type	Site Inspection				
Parts of the permit assessed	Waste Management on site and Monitoring Data Submissions				
Lead officer's name	Bowder, Alex				
Accompanied by	Tye, Laoni				
Recipient's name/position	Phil Ridley, John Edwards/ Business Development Manager, Technically Competent Manager	Date issued	21/12/2018		

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**
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	
B5 - Infrastructure - Plant and equipment	A	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	C3	3.7.1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3 - Suspended	Table S1.1 Activities
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	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	**2**	**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

****Amended CAR form, issued on 28/11/18. Removal of breach A1 against Permit condition 1.1.1****

Regulation Officers Alex BOWDER and Laoni TYE attended Atlantic Recycling Ltd (ARL) at Atlantic Eco Park, Newton Road, Rumney, Cardiff on Thursday 15th November 2018 at 10:30 to carry out the Quarter 3 inspection of the permit **EPR-PP3993VS.** The weather conditions were mild and dry at the time of visit. Phil Ridley and John Edwards were present during the visit and accompanied Officers around the permitted area.

PREVIOUS CAR FORM ACTIONS

- Amend Fire Prevention and Mitigation Plan (FPMP) to reflect maximum storage durations of three months with additional monitoring - **Complete**
- Submit ARL's proposed plans from the options provided regarding storing loose RDF material outside unwrapped - **Complete**

The business has chosen to apply to vary the permit to allow for storage of loose RDF outside unwrapped. **As previously stated, NRW will suspend the score of the permit condition TABLE S1.1 ACTIVITIES until the application has been determined by our permitting department.**

STOCKPILE STORAGE MANAGEMENT

On the inspection, Officers were shown the whiteboard in the office illustrating the storage dates for each deposited stockpile in the yard. It is evident that Stockpile 1 in the Transfer Station, consisting of RDF material, has now exceeded the six-month storage duration.

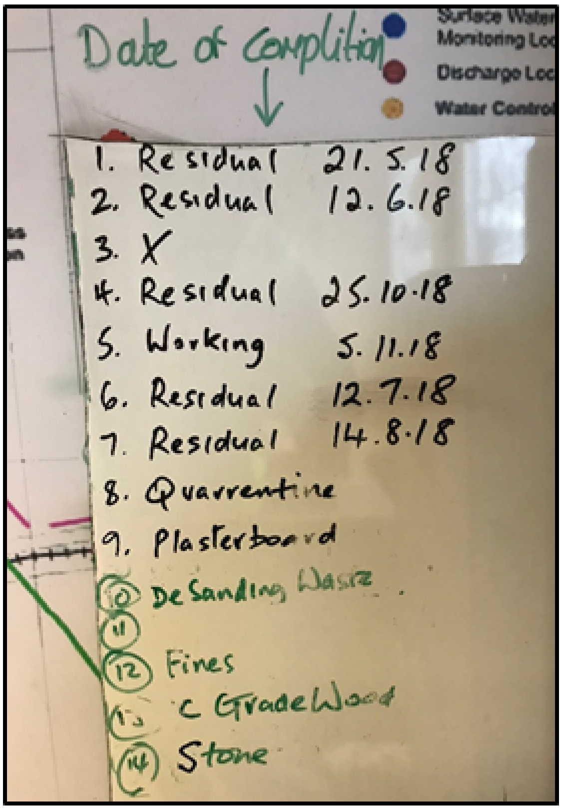
CATEGORY 3 BREACH - PERMIT CONDITION 3.7.1
ROOT CAUSE – (C2) MANAGEMENT SYSTEM AND OPERATING PROCEDURES *"The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance."*
The FPMP guidance states that shredded material can be stored for a maximum of 3 months; which can be extended to 6 months when additional monitoring measures are carried out. This cannot be interpreted to mean that waste can be stored beyond 6 months if additional monitoring is in place. Although the business has stated that it intends to remove Stockpile 1 by the end of the year, this has exceeded the permitted storage time allowance. Due to the amount of waste

currently on site, NRW do not deem this to be an appropriate case to store this stockpile for longer than 6 months. This contradicts ***Table 2 - Combustible waste storage arrangements*** of your Fire Plan and the overarching FPMP guidance.

Stockpiling waste for longer than 6 months is therefore non-complaint with the FPMP - A Category 3 breach has been scored against the permit condition to highlight the risk factor posed by this activity, to prevent reoccurrence and to encourage quicker turnaround of material. This can be escalated if the material is not removed.

NRW must remind the business that the storage limits are determined not just for fire risk, but for general management of waste volumes on site.

ACTION: Remove Stockpile 1 material immediately and ensure material stacks are removed before the 6-month mark in future.



Picture 1 – showing the whiteboard in the office with storage times for each stockpile across the yards

Picture 2 – showing the numbered stockpiles that correspond with the dates

STACK HEIGHTS

It has been detailed to the site, how the FPMP guidance sets the maximum storage height of stockpiles to <u>four metres.</u> This height specification was determined by the Fire and Rescue Service to enable Fire Fighting equipment to extinguish the top of piles, if an incident were to occur.
It was stated on site that the stack heights of the piles are measured by eye. In the Transfer Station area, the site uses the five-metre height of the netting as an indicator - Field 1 has no such gauge to go off and so more judgement is required.

Although staff are aware of the height restriction, it is difficult to accurately manage stacks without an accurate means of recording measurements. Although labour-intensive, we would recommend official measures be put in place to see that stack heights are accurately managed going forward.

The separation distances between the RDF stacks in the Transfer Station and Field 1 seemed compliant with the FPMP guidance at the time of inspection.

The curbing and netting has been completed around the Transfer Station - the business intends to complete this around Field 1 as well in 2019. It was noted that there were a lot of seagulls across the yards; just a note to keep an eye on the situation to ensure they do not become a pest problem.

CONTINGENCY PLANS

Officers asked about the Contingency Plans in place if the acceptance of RDF materials by outlets became a problem. It was stated that if the situation got to the point where waste volumes would compromise permit conditions, the business would stop taking waste over the weighbridge to manage the material already on site.
It was noted that there was more material on Field 1 across the various piles than previous visits. Just to remind the site, the designated Quarantine area must have the capacity to store 50% of the volume of the largest waste pile, to allow ability to manoeuvre and pull away sections for isolation.

Picture 3 – showing the curbing and net fencing erected around the Transfer Station next to Stockpile 1

Picture 4 – showing the separation distance between RDF stacks in Field 1

INFRASTRUCTURE AND DRAINAGE

NRW asked when the interceptor system was last maintained - a report has been sent to NRW detailing the work carried out by contractor in July 2018. No issues were apparent with the drainage system during the visit, however there was some water seen pooling in areas of the yard. This is most likely due to periods of rainfall in the days prior to the visit - please ensure all pooling water is captured by the system.

WASTE RETURN DOCUMENTS

The Quarter 3 document was submitted on 29/10/18. The spreadsheet reports that approximately 34,331 tonnes were received, and 32,581 tonnes removed by the site from the period of July to September.

19,140 tonnes of 19 12 09 minerals sands and stone were removed to the Cardiff region.

MONITORING DATA SUBMISSIONS

On 05 November 2018 NRW Officers Alex Bowder, Kate Rodgers, David Willey and Matthew Llewhellin attended the ARL office building along with members from RPS Consultancy for an annual meeting to discuss the site Water Quality. The topics discussed involved the removal of groundwater monitoring, current planning conditions and trigger levels/buffer zones. The proposed changes to the Baseline Water Environment and Monitoring Report (BWEM) and Biodiversity and Environment Management Plan (BEMP) were discussed.

The business has been diligently submitting its Water Quality Monitoring data for Q1, Q2 and Q3 in 2018. These are received to demonstrate compliance with permit and planning permissions with respect to the quality of surface water surrounding site operations. The focus is to confirm that the discharge from the interceptor is not adversely affecting the ditches/reens and surrounding environment. This is kept on top of by regular sampling/monitoring and consistent maintenance of the drainage system.

From these submissions, we note slight exceedances of trigger levels for Ammoniacal nitrogen, phosphate, chloride, sulphate, calcium and conductivity and Dissolved Oxgyen (DO) in those watercourses that are part of the SSSI drainage system. There is also a minor exceedance of Ammoniacal Nitrogen. Provided that the limits are back below the trigger levels in the next monitoring cycle, we do not consider further investigation necessary.

Breaching of the above determinants can cause adverse impacts to plant and invertebrate features of the SSSI. It has also been associated with a demonstrable reduction in the presence, species diversity and extent of the SSSI plant features. The exceedances for phosphate are acknowledged to likely be due to seasonal fluctuations and provided that the limits are back below the trigger levels in the next monitoring cycle, then there are no issues. We note the various phosphate breaches, however acknowledge that is likely due to agricultural practises not site operations.

Dissolved Oxgyen (DO) levels remain low across the site. These exceedances are, again, likely to be due to natural processes and we are unlikely to have any issues provided the levels continue to rise. We remind the business that lack of appropriate management could also be a contributing factor to breaches. In 2018, a programme of rotational ditch management has been implemented; we welcome this and look forward to reviewing at the next monitoring cycle.

We are however, particularly concerned about the exceedances for chloride, sulphate, calcium and conductivity at SW12. We concur that the presence of these determinants can be an indication of saline water entering a fresh water system. If these levels continue into the next monitoring cycle, we consider that further investigation must be undertaken to determine the source/cause.

We welcome the efforts to reduce pollutants within the watercourses. The remedial actions being undertaken by the business to comply with their NRW environmental permits and planning permission conditions are having a positive effect and we look forward to this continuing.

These results reinforce our previous comments that provided that the relevant planning and permit conditions are fully implemented; particularly those relating to buffer zones, interceptor ditches, impermeable surfaces and crossing points. Additionally, if effective remedial actions are carried out when trigger levels are breached, the special interest of the Gwent Levels (Rumney and Peterstone SSSI) could be maintained in both the short and long term.

We reiterate the importance of preventing water of inappropriate quality entering the drainage system of the SSSI. Given the history of breaches of trigger levels on the site and the reduction in water quality, it is essential that water quality monitoring continues and that measures to conserve the SSSI continue to be rigorously implemented.

If good water quality can be established and maintained across the site it is hoped that more water courses will support the botanical and invertebrate interests, key features of the SSSI and that species will spread across the site.

We look forward to receiving the Quarter 4 results to determine if the improved water quality conditions have been maintained and where breaches occurred they have been brought back within limits.

If you have any queries or issues with this report please contact Alex Bowder by phone or email 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.**

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Operator/Permit holder	Atlantic Recycling Limited	Date	15/11/2018

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			
C4	C3	Score suspended until the variation application has been determined by NRW permitting department.	28/01/2019
C2	C3	Remove Stockpile 1 material immediately and ensure material stacks are removed before the 6-month mark in future.	28/12/2018

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.