

Compliance Assessment Report CAR_NRW0039390

Permit being assessed: PP3993VS.

For: Atlantic Recycling Limited, held by Atlantic Recycling Limited

At: Rumney, Cardiff, Glamorgan, CF3 2EJ.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 16/02/2022.

Parts of permit assessed: Annual returns & CAR Review

NRW Lead Officer: Lewis Evans.

Report sent to: Phil Ridley, Business & Development Director on 16/02/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
0	0

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?

No action required.

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.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

EPR/PP3993VS - Atlantic Recycling Limited (ARL)

Waste Returns

All waste returns that were submitted to Natural Resources Wales (NRW) from ARL were on time. The table below shows the amount of material that was received and removed from site.

Quarter	Received (tonnes)	Removed (tonnes)	
1	34,445.38	40,095.22	-5,649.84
2	37,048.40	36,941.11	+107.29
3	38,216.79	36,086.25	+2,130.54
4	28,230.61	29,347.15	-1,116.54

Net reduction of 4,528.55 tonnes of material on site.

Water Discharge

ARL have not started the water treatment activities and therefore there is no data or reports relating to this activity.

Performance 1

Performance 1 form has been submitted in line with the Table S4.2 in Schedule 4. This shows that ARL have treated 7673.48tonnes of SRF in 2021. Additionally, the operator has added that no RDF has left the site in 2021.

Actions from previous CAR

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 2nd December 2021 or a date agreed in writing with Natural Resources Wales. - Complete

Fig 1.

Year Period	2022				2023				2024
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
Opening Balance	21,083	21,083	19,083	16,083	13,083	10,083	7,083	4,083	1,083
Nett Reduction	0	2,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
Mass Balance	21,083	19,083	16,083	13,083	10,083	7,083	4,083	1,083	-1,917

ARL submitted an email on the 8th February 2022 stating that ARL have successfully secured a significant additional outlet for the material produced on site. A 5-year supply contract for c27,000 tonnes per year is scheduled to commence on the 1st May 2022. Material in Field 1 will be re processed to meet the contract details. Stockpiles will be processed in chronological order starting at stockpile 6 then onto 7, 5, 2 and 4. Below is the table submitted by ARL on the removal rates on Field 1.

As stated in the email, *'This schedule represents what we would consider to be reasonable, affordable and sustainable reductions while continuing to operate the business and notwithstanding any further sanctions due to Covid.'*

I would however, like to note, for new material that will be coming onto site, that the material is managed and stored appropriately in line with FPMP guidance.

Ongoing checks will be made regarding the transfer notes/material moved etc, throughout the year once work has begun on removing the material from field 1.

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. – Complete

ARL Response - *Contrary to my comments during the site visit, this was a ground monitoring point which is now redundant and has been removed as a requirement from the latest iteration of our permit.*

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

ARL Response - *Firstly, we still contend that this material is not a 'stockpile' per say, it is material that is undergoing treatment and therefore, not being stored. Notwithstanding our view, we have chosen to install temperature probes into the material at the behest of NRW. Furthermore, as this is a single pile with no neighbouring piles, and has 360° access, there is no requirement within our FPMP or indeed, the NRW guidance to install a fire break.*

NRW – *Thank you for installing probes in the material on the Transfer Station (TS). Please ensure that the material is being monitored and you have the necessary procedures on site to mitigate any heat spots that are showing on the probes or cameras on the material.*

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.

See above.

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. - Complete

ARL Response - The temperature profile of the material in the transfer station was submitted to you by way of an email from John Edwards on 24th November. I can confirm that there are 3 temperature probes installed in this material at a depth of c2m placed at equal intervals along the centreline of the material.

NRW – Are the probes used capable of reading the temperature throughout the pile? I.e. to the bottom of the stockpile?

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

ARL Response (3/12/2021) - We have instructed an independent specialist to conduct the odour assessment on site, this will require multiple site visits in order to obtain informed results. The initial site assessment was conducted on Friday 26th November, with supplementary visits scheduled throughout December with a view to receiving the final report by mid-January 2022. Update (08/02/2022) - I would take this opportunity to request an extension of time for the submission of the odour report which was scheduled to be submitted at this time; unfortunately, we have not been able to adhere to the schedule for this piece of work due to the weather conditions. We anticipate being able to finish this work and submit the report by the end of February. **Accepted extension date. Please submit to NRW by the 28th Feb 2022.**

NRW – Thank you for the update. As mentioned on site, a repeat investigation will need to be done in the summer months (this is to be confirmed with NRW) as odour comments are significantly higher during these months compared to winter.

ACTION: Please can you provide information relating to the actions in the previous CAR form by the 02 December 2021. (CAR_NRW0037700). -

ARL - I would refer you initially to my email to Alex Bowder dated 12th March 2021 in which we confirm the completion of action 1 of this CAR ahead of any further questions from Officer Bowder...none were forthcoming.

The second point is more of an instruction as opposed to an action in which we are requested to "Follow our acceptance procedures to see that material is rejected when site capacity is reached" additionally, to "Review the waste management strategy to ensure that stockpiling of waste does not occur without a confirmed outlet"

To address same, we would acknowledge that there is a significant quantity of material on site, but would deny that we are '...beyond site storage capacity'. We base this conclusion on

the results of the theoretical storage arrangements exercise we commissioned and subsequently submitted to NRW as part of our fire prevention plan on 28th February 2018. This shows that we have capacity to store c73,000m³ of waste in accordance with NRW/FRS guidelines as to pile dimensions and separation distances.

In regards to part two of this action, we would refer back to our numerous correspondences over the past 18 months detailing the effect that Covid has had on our operation (and indeed, the industry as a whole) This event, and the subsequent restrictions imposed by Central Government happened so swiftly and all-encompassing that nobody had the ability to foresee or make contingency arrangements. A large proportion of our outbound traffic was grounded virtually overnight as outlets either closed completely or reduced tonnages significantly. Furthermore, we had no indication that the situation would last as long as it did, resulting in the stockpiling of material and the legacy on site at this time. I would also emphasise that while this was the case, we were (and still are) removing considerable quantities of material from site as illustrated in table 1 below.

NRW – Accepted and now the site has a significant contract in place the site should begin to see a reduction in material on site.

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.

ARL - We will be submitting a material reduction plan as discussed above, however, this will principally relate to the legacy material on field 1. I would remind you that we have no obligation to remove the material from the transfer station as it is being processed and stored in a compliant manner and is not aged.

NRW – Acknowledge the material on the TS is to be processed and will be included in the new contract you have in place. **Will you be producing a document in the form of a ‘Material Reduction Plan’?**

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

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.

ARL - Just by way of a little background, the water treatment plant was installed in 2016 following successful trials, but has effectively stood idle since and while we conducted the

permit variation application for its operation. The variation to use the water treatment plant was subsequently granted in December 2020. Unfortunately, between the installation and authorisation of the WTP, the technology provider (and our intended plant operator) has ceased trading meaning that we have not been able to re-commission or use the WTP as of today.

This being the case, we have been in discussions with other technology providers to fill this void, and it has become clear to us during these discussions that we may indeed have to change the design of the WTP itself and the methodology for testing the water post treatment. It is further apparent that the operation will more closely reflect that of landfill leachate treatment at ambient temperatures in line with comments made by Tony Leaky during the site visit. If this is the route we decide take, it is likely that it would also elevate the requirement for the biomass boiler as an associated activity to the WTP.

Clearly this is a technical piece of work to a) decide upon a path of action and b) draft the revised operation proposals ready for NRW submission; this being the case we would request to extend the deadline for this to 30th June 2022. I would take this opportunity to reiterate that the WTP is not operational at this time and will remain so until we apply for authorisation to conduct trials on the new design.

NRW – Accepted the new date of 30th June 2022. *The operation of the water treatment plant has not been operational as shown in the returns submitted on the 25th January 2022.*

END.

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.