Compliance Assessment Report

Report ID:
CAR_NRW0035468

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	10/07/2019 - 15/07/2019	Time in	10:30	Out	11:00
Assessment type	Site Inspection				
Parts of the permit assessed	Fire Prevention and Mitigation Plan (FPMP), Environment Management System (EMS)				
Lead officer's name	Bowder, Alex				
Accompanied by					
Recipient's name/position	David Neal, Phil Ridley, John Edwards/ Director, Business Development Manager, Technically Competent Manager	Date issued	23/07/2019		

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	A	
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	C2	1.1.1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
D1 - Incident Management - Site security	A	
D2 - Incident Management - Accidents, emergency and incident planning	C2	3.7.1
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	X	
F4 - Amenity - Pests/birds and scavengers	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	2	**Total compliance score** (see section 5 for scoring scheme)	62

recorded			

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

Regulation Officer Alex BOWDER attended Atlantic Recycling Limited (ARL) at Atlantic Eco Park, Newton Road, CF3 2EJ on Wednesday 10 July 2019 at 10:30 to conduct a routine inspection of the permit **EPR-PP3993VS**. Weather conditions were hot and dry at the time of inspection. Business representatives Phil RIDLEY and John EDWARDS (Technically Competent Person) met with Officer BOWDER and accompanied around the permitted areas.

A follow up inspection was carried out on 15 July 2019 at 10:00 with Waste Fire Officer Mathew BRADFORD from the Fire and Rescue Service (FRS), to assess the fire risk on site and compliance with the Fire Prevention and Mitigation Plan (FPMP) guidance. Business Director Phil RIDLEY was unavailable during this time. This report contains comments from both inspections.

PREVIOUS CAR FORM ACTIONS - *CAR_NRW0034842*

- Bring down the heights of all Stockpiles exceeding four metres – **Incomplete**

- - Ensure that all materials are removed before the six-month mark – **Complete.**

PERMIT BREACHES

CATEGORY 2 BREACH - PERMIT CONDITION 3.7.1

(D2) INCIDENT MANAGEMENT - ACCIDENTS, EMERGENCY AND INCIDENT PLANNING
"The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance."

Non-compliant factors:

- STOCKPILE HEIGHTS
- SEPARATION DISTANCES
- QUARANTINE AREA
- WASTE VOLUME AND SEASONAL MANAGEMENT

Section 3.3.3 - Storage pile sizes and Separation Distances – Table 3

At the time of inspection, the storage dimensions of stockpiles across the permitted area were deemed to be non-compliant with your FPMP**.** It was estimated that numerous stockpiles were exceeding the four-metre height restriction and that some fire breaks between loose RDF stacks were less than 12 metres.

Section 4.3 Quarantine Area

The proposed Quarantine Area was not sufficient to effectively deal with a fire incident.

The Fire and Rescue Service feel that the designated zone would be inadequate to manage the amount of waste stored on Field 1, given the space available. Section 4.3 of your FPMP states *'the Quarantine Area should have a separation distance of at least 6m around its perimeter from adjacent buildings and waste piles'.* The proposed area did not satisfy this requirement.

Please see further in this report for justification.

ACTION:

- **Comply with Section 3.3.3 - Storage pile sizes and Separation Distances of your FPMP – Table 3.**
  - i) Reduce the heights of all Stockpiles exceeding 4 metres.
  - ii) Establish compliant separation distances between Stockpiles.

- **Comply with Section 4.3 Quarantine Area of your FPMP**
  - i) Create a suitable Quarantine Area to hold 50% of the largest stockpile

DEADLINE:

30 September 2019

CATEGORY 2 BREACH - PERMIT CONDITION 1.1.1

(C2) - GENERAL MANAGEMENT - MANAGEMENT SYSTEM AND OPERATING PROCEDURES

"The operator shall manage and operate the activities: in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints."

ROOT CAUSE BREACH

The volumes of waste present on Field 1 and the Transfer Station indicate that waste acceptance procedures have not been followed in accordance with your Management System. Your Management document states that RDF will be stored in accordance with procedures set out in ***IMS 14-03.*** This references your Waste Storage Checklist, which states:

Arrangements will be included that ensure that excessive levels of storage do not occur by considering:

- ***Alternative facilities to take recycled product in the event of breakdown or shutdown of the main receiver of product.***
- ***Alternative arrangements for storage to cater for unexpected increases in material being delivered to site.***

This has not been effectively executed by the business. The lack of contingency plan or waste management strategy for changes in outlet circumstances, has resulted in the site almost reaching its storage saturation point. This has compromised the procedures outlined in your FPMP which has increased the risk of fire on site.

ACTION:

Review and update your FPMP and Management System, to identify appropriate measures to ensure that the storage of waste on site will not cause a pollution risk. Submit documents to NRW for review.

<u>DEADLINE:</u>
30 September 2019

Photograph 1 | taken on 10/07/19 – showing the height of Stockpile 2 (loose RDF material) stored on Field 1

Photograph 2 | taken on 10/07/19 – Stockpile 2, showing the height and length of material stored on Field 1 close to the slab boundary

FIELD 1 - STOCKPILE HEIGHT

On Wednesday 10 July 2019, it was evident that the loose RDF Stockpile 2 on Field 1 was very long in length consisting of a large volume of waste. This was easily viewed from the office unit and car parking area. The entire stockpile was estimated to be exceeding the four-metre height restriction along with other loose RDF Stockpiles on Field 1; Phil and John agreed on this point with the Officer.

It became evident that Stockpile 6 had not been processed since the last visit and so was unchanged in height and size. This was said to be due to lack of space available in the yard to extend the stockpiles, to compliantly reduce their heights as they are processed.

Following the last CAR Form ***CAR_NRW0034842***, the business was requested to action the reduction of all stockpile heights above four metres. The site requested additional time to address the heights of the piles as they were processed, rather than completing the work in a single operation, as this would require re-assigning resources. Since the issuing of the last CAR Form on 22/03/19, only a few of the of the Stockpiles on Field 1 had been reduced in height. It was also evident that further waste material had been added to the Stockpiles, increasing their height.

Table 3 of ARL's FPMP states that waste within all stockpiles shall be stored at a height of 4 metres. During the inspection, waste was being stored within stockpiles in excess of 4 metres and as a result, is not being stored in accordance with ARL's FPMP. Exceeding stockpile heights goes against fire mitigation and has contributed to the breach of condition **3.7.1** as a result. The storage of waste in excess of 4 metres is a direct consequence of storing too much waste on site and having to stack waste high in order to try and maintain compliant separation distances between piles.

It has been previously detailed to the site, how the FPMP guidance sets the maximum storage height of stockpiled waste to four metres. This height specification was determined by the Fire and Rescue Service (FRS) for general good management practise and stability to enable the FRS to tackle a fire on site, if an incident were to occur.

SEPARATION DISTANCES

There was no more room available on Field 1 to increase the sizes of the Stockpiles without increasing the risks on site. The separation distances between loose RDF Stockpiles 1, 3, 6 and 7 in Field 1 were compliant with Graph 1 of the FPMP guidance at the time of inspection. However, the fire breaks between Stockpiles 2 and 4 were non-compliant due to the volume of material present. Stockpile 2 had two containers, one of which storing generators, situated in close proximity to the waste; this could be a potential ignition source.

Photograph 3 | taken on 10/07/19 - showing Stockpile 2 material spilling onto Field 1 boundary

The FRS expressed concern at the lack of access to Stockpile 2, to enable emergency vehicles to get to the whole waste pile in the event of an incident. Material was also placed very close to the slab boundary, to the extent where residual waste was spilling onto the curbing at one end of the stockpile; as per Photograph 3. Additionally, the MRF fines material in Transfer Station area were stored up against the mesh fencing due to the large volume.

Photograph 4| taken on 10/07/19 - showing material stored in the Transfer Station pushed against the mess fencing

On Monday 15 July 2019, Officer BOWDER revisited Atlantic Recycling Limited with Waste Fire Officer Mathew BRADFORD. *Table 3* of your FPMP states: ***"the separation distance of 12m is maintained across site between loose waste piles regardless of the size and meets the minimum required separation distances detailed in the NRW FPMP guidance document".*** At the time of the inspection, there was machinery working on Field 1 processing material within the fire breaks. This not only comprised the separation distances, but blocked vehicle access to parts of Stockpiles 2, 4 and 5. Vehicles were also tipping new waste onto the already saturated Field 1 area.

Machinery was left running unattended during breaks and this could pose a significant fire risk if a mechanical failure was experienced. Although the permit allows Field 1 to be used for treatment activities, such as shredding material, these issues contribute to compromising the separation distance requirements and fire risk mitigation.

Due to the lack of room available on-site and the treatment activities occurring in the fire break areas, the separation distances did not seem to reflect an adequate 12metre gap. This demonstrates that your FPMP procedures are not being followed to ensure fire breaks are established at all times.

Photograph 5 | taken on 15/07/19 - showing mixed waste deposited on Field 1 within the fire breaks between RDF stockpiles

WASTE VOLUME MANAGEMENT

Section 15 - Seasonality and Waste Stack Management of the FPMP guidance document states the following:

"You should demonstrate that your waste stack management is viable and that you are able to prove the suitability of materials, the resilience of the supply chain and end user outlets. You should provide a technical assessment that shows you have confidence that your proposal will be viable in foreseeable market conditions.

If the materials on your site are subject to seasonal variation in demand and/or supply, you should demonstrate how you intend to manage these variations. You should be able to demonstrate how you will follow the principle of "first in, first out" so that wastes are stored for no longer periods than indicated in Table 1.

All these issues and the contingencies you employ to manage them should be in your management system and implemented before operations commence on site."

The business should be able to effectively manage its waste acceptance, whilst accounting for seasonal variants and processes that could impact operations. One of the main outlets for accepting Atlantic Recycling Limited's loose RDF material is Trident Park Energy from Waste – Viridor. The business will be aware that the installation shuts down annually to undergo a maintenance period of the lines and only accepts certain contracted wastes during this period. NRW have been notified, that Viridor's contracts team have repeatedly informed all suppliers of non-contracted waste, that Trident Park would be operating a reduced waste input during these summer months. Therefore, suppliers of non-contracted waste have, with ample notification, failed to implement a suitable strategy to handle their waste streams.

With knowledge of this closure, the site should have strict contingency plans in place. We feel the business has been negligent in its waste management by accepting more material than the site has capacity to store, whilst complying with permit conditions.

ARL's FPMP does not currently address these contingency and seasonality issues. The business must review and update its FPMP to address these factors to ensure the site is able to effectively cope with changes in outlet circumstances.

This lack of planning is a serious waste management failing, which has breached permit condition **1.1.1** as a result. The amount of waste currently present and the way in which it is being stored presents a serious risk of fire. We ask that you amend your plans to address these contingency issues to see that this situation does not reoccur and that steps are put in place to bring the site back into compliance with the permit.

WASTE ACCEPTANCE RESTRICTION

NRW have spoken to the site regarding its responsibility to restrict its waste inputs when room on site becomes limited. This is essential to operate a controllable waste management strategy and to ensure the compliance with permit conditions. The site has stated previously to NRW, that it will restrict its waste inputs to ensure operations are complaint with permit conditions and FPMP requirements. The business stated that it ceased accepting waste from third parties approximately two weeks prior to the inspection on 10 July 2019.

On the 15 July 2019, when questioned why there were non-Atlantic Recycling vehicles tipping material across the site, TCM Mr. John EDWARDS was unsure. It became apparent that the business had started accepting material from third parties as of Friday 12 July 2019, despite no change in the volume of waste on site and no notable outlets for waste being available. This raises concerns for the waste management on site and suggests a lack of control of the operation.

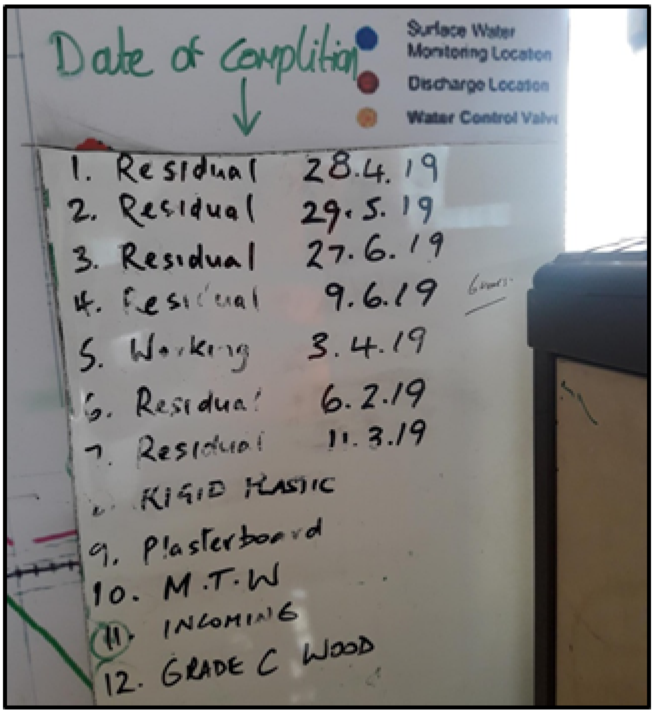
Field 1 and the Transfer Station areas are currently at saturation point in terms of waste volumes and cannot hold any more material without compromising permit conditions. This is a serious waste management issue and does not safeguard against the risk of fire.

QUARANTINE AREA

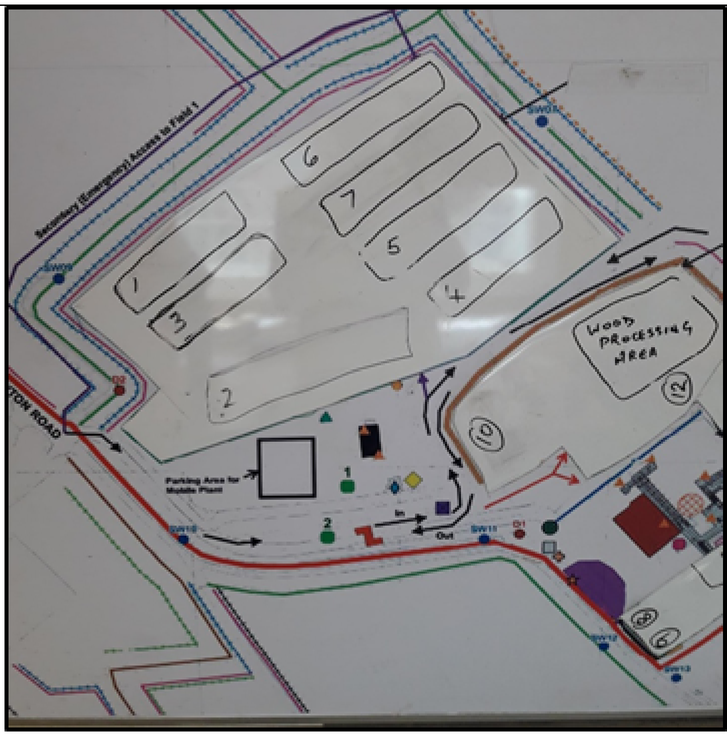
As previously stated to the business, the designated Quarantine area must have the capacity to store 50% of the volume of the largest waste pile, to allow ability to manoeuvre and pull away sections for isolation. Although the Quarantine Area can be dynamic, the area should be clearly labelled on the site plan in the office. The proposed area was situated in the Transfer Station between the Water Treatment Plant and MRF facility. Mathew BRADFORD stated that the current area would be inadequate to manage the amount of waste stored on Field 1, given the space available. Officer BOWDER stated that in the event of an incident on Field 1, it would be extremely difficult to segregate, extinguish and move hotspots to this area. The zone was in constant use and the main vehicle pathway to access the MRF and Transfer Station. Additionally, this area is located on top of the interceptor - access to this would be required in the event of an incident to manage fire water.

WASTE STORAGE TIMES

Three RDF stockpiles in Field 1 had been stored for longer than three months at the time of inspection - the oldest stockpile dating back to 6 February 2019. If this waste is not removed by the six-month mark **6 AUGUST 2019**, the waste storage operations will not be compliant with the ARL's FPMP and the risk of fire increases. ARL are required to remove this stockpile by 6 August 2019 to ensure the waste storage element in ***Table 2 – ARL Site Maximum Storage Times of Waste*** is complied with.



Photograph 6| taken on 10/07/19 - showing storage times of loose RDF stockpiles on Field 1



Picture 7 | taken on 10/07/19 - showing Site Map in the Office displaying the labelled stockpiles that correspondent with storage times

The business is continuing to actively monitor individual stockpiles with temperature probed. In the office no readings were showing on the screen for some of the waste stockpiles. The Officer was assured that temperatures were still being recorded and that it wasn't displaying on the monitor due to battery power issues - please ensure that this is addressed.

TRANSFER STATION

Phase two of the MRF installation is underway, which is restricting room on site. The SRF building has been constructed and small amounts of waste were deposited in the unit at the time of inspection. The business has stated that it aims to favour SRF production going forward. The MRF fines material stored in the Transfer Station are said to be taken to the Docks Way site in Newport, commencing 16 July 2019 - please ensure that the transfer notes for this movement of material are correctly filled out and submitted.

There was no clear separation of waste piles for the materials waiting to be processed, for instance the rubble pile was mixed with general waste. We are not confident that this material is being managed effectively. No hazardous waste such asbestos was witnessed on site at the time of inspection.

WOOD PROCESSING

The site's permit was varied on 16/05/19 to increase the annual throughput of the wood processing facility to 75,000 tonnes per annum, add a mechanical treatment (separation using overband magnet and eddy current separator) and to also add R4: Recycling/ reclamation of metals and metal compounds to S1.1 Limits of activities for the wood waste facility. Going forward, the business stated that it aims to move wood processing area onto Field 2 once appropriate infrastructure has been installed.

Application EPR/PP3993VS/V006	Duly made 22/03/19	Application to increase annual throughput and add treatment method to the wood waste facility.
Variation determined EPR/PP3993VS	16/05/19	Varied permit issued.

On the 10/07/19 and 15/07/19, wood waste within the Waste Transfer Area far exceeded the dimensions of the guidance. There was no clear fire break in place between the wood chip piles and processed waste and the height of the largest wood waste pile was above the 5-metre mesh fencing; as per Photograph 8. The site again claimed this is a knock-on effect from the limited space available.

The site sprays the wood piles with water from the on-site bowser several times a day to reduce fire risk.

Photograph 8 | taken 10/07/19 – showing wood waste material stored in the Transfer Station higher the mesh fencing line

INFRASTRUCTURE AND DRAINAGE

The drainage channel next to Stockpile 2 within the Field 1 slab was filled with residual material from the pile; as per Photograph 9. This could hinder the flow of surface water from reaching the drainage system efficiently and could cause issues. Please see that this material is cleared from the channel. No issues noted with the drainage system noted in the Transfer Station area.

Photograph 9 | taken on 15/07/19 - showing residual waste material in the Field 1 drainage channel

FIELD 2

Inert waste was stored on compacted hard standing, primarily consisting of soil and stone. Waste vehicle tyres were stored at back of the Field in and around a skip - please bear in mind the arson risk associated with this waste stream and see that they are not stored for long periods of time.

Buffer zones between operations and protected areas were established in these parts of the permitted area. The area next to Field 2 was being used for the storage of empty skips and machinery; no waste activities were taking place in this area at the time of inspection.

The reens were inspected - no obvious discoloration was noted.

RDF STORAGE CONDITION

The business applied to vary the permit to allow for storage of loose RDF outside unwrapped in 2018. In the CAR Form **CAR_NRW0034281**, the score of the condition TABLE S1.1 ACTIVITIES was suspended until the application was determined by our permitting department. As determination has not yet been reached, this has been logged as an ongoing matter.

The site has been submitting quarterly surface water monitoring data in accordance with permit.

NRW will now be considering issuing an Environmental Permitting (England and Wales) Regulations 2016 - Regulation 37(1) and (5) Notice to suspend inputs of waste onto site, to bring operations into compliance with its permit conditions.

If you have any issues with this report, please contact Alex Bowder 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

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. (See Section 1 above)	**CCS Category**	**Action required/advised**	**Due Date**
D2	C2	1. Comply with Section 3.3.3 - Storage pile sizes and Separation Distances of your FPMP – Table 3. i) Reduce the heights of all Stockpiles exceeding 4 metres. ii) Establish compliant separation distances between Stockpiles. 2. Comply with Section 4.3 Quarantine Area of your FPMP. i) Create a suitable Quarantine Area to hold 50% of the largest stockpile	30/09/2019
C2	C2	Review and update your FPMP and Management System, to identify appropriate measures to ensure that the storage of waste on site will not cause a pollution risk. Submit documents to NRW for review.	30/09/2019
F3	X	Remove any residual RDF material that has collected in the Field 1 slab drainage channel.	06/08/2019

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.