

Compliance Assessment Report CAR_NRW0040342

Permit being assessed: AB3797ZE.

For: KDK Metals Unit, held by KDK Metals Limited

At: K D K Metals, East Bank Road, Felnex Industrial Estate, Newport, Newport, NP19 4PP.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 01/09/2022 between 09:45 and 12:15.

Parts of permit assessed: Various

NRW Lead Officer: Greg Gardner, accompanied by Alex Bowder.

Report sent to: Mr. Paul Dare, Technically Competent Manager / Owner on 05/10/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C3 - General Management - Materials acceptance	C2 Significant	2.3.2 (a)
D1 - Incident Management - Site security	C3 Minor	1.1.1 (a)
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.3.1 (a)
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2

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

Total number of non-compliances recorded	Total non-compliance score
4	39.1

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?

Criteria	Action needed	Complete by
C3	Ensure fire is extinguished and no further smoke emissions are emanating from site. Remove all unauthorised waste(s) that are not listed in your permit from site and taken to a permitted licenced facility retaining all waste transfer notes for waste(s) removed	31/03/2023
D1	Ensure site boundary is fully secured with security measures, such as fencing, to prevent unauthorised access	03/02/2023
G4	Ensure NRW are contacted immediately on any potential future environmental incidents	Already completed
G4	Submit waste return for 2021. Waste return must be	04/11/2022

Criteria	Action needed	Complete by
	submitted even if a null return	

Action criteria codes are listed in the 'Important information' section below.

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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

This report details the site visit made on the 1st September 2022 to KDK Metals Ltd, Newport, permit reference number EPR-AB3797ZE.

NRW Officers Greg GARDNER and Alex BOWDER attended the KDK Metals Ltd site at East Bank Road, Felnex Industrial Estate, Newport, NP19 4PP for a routine site inspection at 09:45am where we met with the Site Manager, Mr. Paul DARE, Environmental Consultant, Mr. Chris PARRY along with GD Environmental Managers, Mr. Oliver HAZELL and Mr. Mark WILLIAMS. The weather was dry and reasonably mild which it had also been the previous day.

To remind the company following each visit Natural Resources Wales (NRW) will produce a Compliance Assessment Report (CAR) detailing our comments from the inspection. If we substantiate reasonably foreseeable risks or actual impact to the environment, we can breach the business against your permit conditions which can affect your site banding and annual subsistence fees; this is scored on a Category 1 - 4 basis:

- 1 - Major, serious persistent and/or extensive impact on the environment/people/property
- 2 – Significant impact or effect on the environment/people/property
- 3 – Minor impact or effect on the environment/people/property
- 4 – A non-compliance which has no potential environmental effect

COMPLIANCE BREACHES

CATEGORY 2 BREACH – PERMIT CONDITION 2.3.2(a)

(C3) – MATERIALS ACCEPTANCE

"Waste shall only be accepted if it is of a type and quantity listed in schedule 2 table(s) S2.1 [, S2.2 etc.]; "

- Large quantities of unauthorised waste(s) present at KDK Metals Ltd site

which have accumulated over a long period of time which has ultimately resulted in a waste fire at site.

- Waste fire had been emitting smoke from site for consecutive days and witnessed by NRW Officers

Please see report content for further justification

CATEGORY 3 BREACH – PERMIT CONDITION

1.1.1(a)

(D1) - SITE SECURITY

"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."

- Section of KDK Metals Ltd site easily accessible for unauthorised person(s) where there is a potential for a criminal activity to take place such as arson

Please see report content for further justification

CATEGORY 3 BREACH – PERMIT CONDITION

4.3.1(a)

(G4) - REPORTING AND NOTIFICATION TO NATURAL RESOURCES WALES

"Natural Resources Wales shall be notified without delay following the detection of: any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution."

- KDK Metals Ltd failed to comply with permit condition 4.3.1 (a) and not notify NRW of fire at regulated site

Please see report content for further justification

CATEGORY 4 BREACH – PERMIT CONDITION 4.2.2

(G4) - REPORTING AND NOTIFICATION TO NATURAL RESOURCES WALES

"Within one month of the end of each year, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous year."

- KDK Metals Ltd have failed to submit annual waste return data for 2021

Please see report content for further justification

GENERAL OBSERVATIONS

KDK Metals Ltd, Newport operate under a Tier 3 bespoke permit for an end of life vehicle depollution and dismantling facility. The maximum quantity of waste accepted and processed on site shall not exceed 2,499 tonnes per year. All treatment is for the purpose of recovery only, treatment may be by either manual and/or mechanical methods. All treatment of hazardous and non-hazardous waste must take place on an impermeable surface with sealed drainage. All hazardous waste must be stored on an impermeable surface with sealed drainage. Treatment operations are limited to dismantling, depollution, sorting, separating, cutting (with hand held equipment), crushing, bulking up and bailing. The burning of any wastes, either in the open, inside buildings or in any form of incinerator is not permitted. The site was not operational at the time of the site inspection.

WIRS INCIDENT - 2206416

On 28/08/22 at 19:20pm, The South Wales Fire and Rescue Service (SWFRS) notified NRW Incident Communications Centre of a fire incident at the KDK Metals Ltd site. The report stated:

Call from FRS stating that there is a fire at KDK Metals in Newport and that 2 bowsers and 2 pumps are on scene. Other neighbouring machinery is being used to assist with the fire. FRS are only informing us at this time and do not require any NRW attendance at present. FRS state approx. 60 to 80 tonnes of waste is affected. FRS state all run off has been contained.

Due to SWFRS indicating at the time of the incident that they did not require NRW attendance, no NRW officers were contacted to attend this incident. On 01/09/22 at 09:45am, NRW Officers Greg GARDNER and Alex BOWDER attended the site to discuss with the operator the fire incident. Upon arrival it was immediately noted that the pile of waste in question was still smouldering (see photos 1-3). Image 1 is an extract from the KDK Metals Ltd Permit (EPR-AB3797ZE) indicating the site permit boundary in green and the area on site where the waste pile that was smouldering was located in red as well as location of same waste type on site.

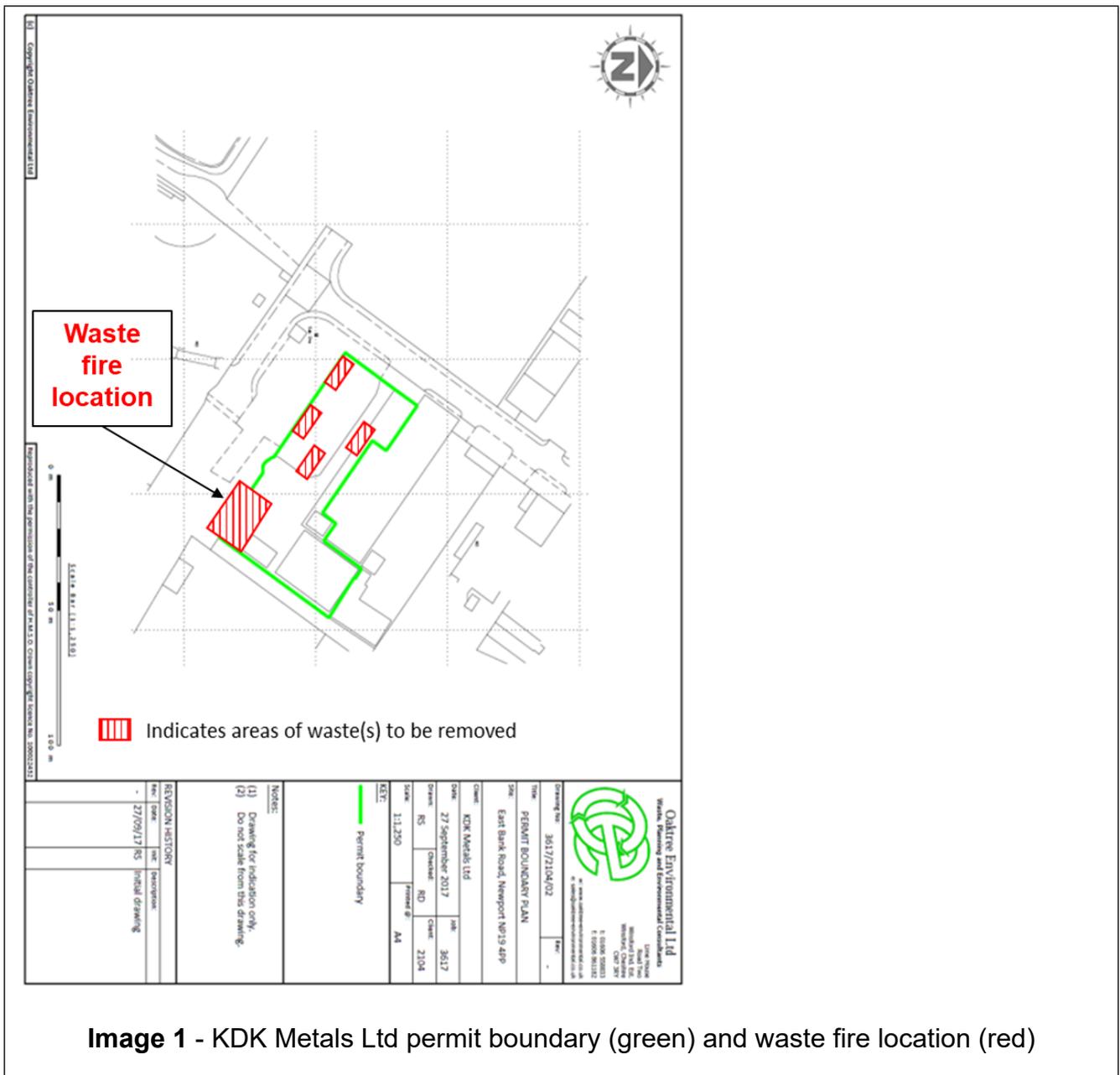


Image 1 - KDK Metals Ltd permit boundary (green) and waste fire location (red)



Photo 1 - Smouldering pile of waste at KDK Metals



Photo 2 - Smouldering pile of waste at KDK Metals



Photo 3 - Smouldering pile of waste at KDK Metals

Discussions took place between NRW Officers, Mr. Paul DARE, Mr. Chris PARRY, Mr. Oliver HAZELL and Mr. Mark WILLIAMS on ensuring the fire was fully extinguished. Mr. DARE accepted responsibility for the incident. Officer Alex BOWDER contacted Mr. Stephen MORGAN of the SWFRS to provide assistance on how to ensure the area should be made safe and to fully extinguish the fire. At 11:45am SWFRS Officers arrived on site and provided advice and guidance on how to ensure the waste can be moved without it reigniting through water suppression techniques.

Mr. Oliver HAZELL indicated that his neighbouring site, GD Environmental, will assist by providing heavy machinery to move the waste as well as a large water tanker to help with fire suppression. The exact cause of the fire is unknown however investigations are ongoing to determine the cause of the fire and measures that require to be in place to prevent this from re-occurring. KDK Metals Ltd failed to notify NRW via the Schedule 5 form via the permit. NRW were notified via the SWFRS who contacted NRW when they attended the incident. This failure to notify NRW by KDK Metals Ltd site management is a breach of permit condition 4.3.1 (a):

"Natural Resources Wales shall be notified without delay following the detection of: any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution."

NRW Officer Greg GARDNER has received regular updates from the parties involved and on 02/09/22 it indicated that the fire had been fully extinguished. GD Environmental are in the process of removing the waste(s) from KDK Metals to their site located approximately 100 yards away.

KDK Metals Ltd are cooperating with NRW in terms of providing regular updates of the site status as well as associated documentation (waste transfer notes) for the removal of the unauthorised waste(s).

SITE INSPECTION

Whilst on site conducting a post fire management plan regarding the fire incident, a site inspection was undertaken of KDK Metals Ltd. It was noted that there were large quantities of unauthorised waste streams on site. A large pile of this is where the fire incident took place. Under the KDK Metals Ltd permit (EPR-AB3797ZE), the site can only accept 2 waste codes:

- 16 01 04* - end-of-life vehicles
- 16 01 06 - end-of-life vehicles (containing neither liquids nor other hazardous components)

*Please note: * indicates a hazardous waste code*

There was no evidence of any depolluted vehicles on site and according to the operator, Mr. Paul DARE, the depollution of vehicles has not happened for a couple of years. The area where the fire incident took place contained a large quantity of mixed waste(s) containing municipal waste such as plastic / rubber / household residual waste. (see photos 4-6).



Photo 4 - Large quantity of mixed waste not authorised under KDK Metals Ltd Permit



Photo 5 - Large quantity of mixed waste not authorised under KDK Metals Ltd Permit**Photo 6 - Large quantity of mixed waste not authorised under KDK Metals Ltd Permit**

There were also large quantities of scrap metal present on site. The site have registered a T9 waste exemption: recovering scrap metal and S2 waste exemption: storing waste in a secure place (NRW-WME071438) on 18/02/22 with an expiry date of 18/02/25. The T9 waste exemption allows you to treat scrap metal for handling or recovery by sorting, grading, shearing by manual feed, baling, crushing or cutting with handheld equipment.

Under a T9 waste exemption you can:

- store or treat up to 1,000 tonnes of waste at any one time
- store or treat up to 50 tonnes of cables at any one time
- store waste for up to 24 months
- store any pile or stack of waste up to a maximum height of 5 metres
- store and treat waste in a place with sealed drainage

The S2 waste exemption allows you to store specific waste at a secure intermediate site, separate to where the waste was produced, before transportation to another site for recovery.

The S2 waste exemption conditions are:

- each type of waste must be stored separately
- the storage must take place at a secure place
- the storage of the waste is pending its recovery elsewhere
- each waste shall not be stored for longer than the specified time period

Scrap metal:

- the storage place has sealed drainage
- the waste is stored at a dock before being exported or after being imported

This scrap metal varied in size and again, under KDK Metals Ltd permit EPR-AB3797ZE and the T9 waste exemption, this is an unauthorised waste stream that was present on the site at the time of the inspection (see photos 7-9). Under the waste exemption conditions, KDK Metals Ltd have not complied with their T9 waste exemption due to:

- store and treat waste in a place with sealed drainage - please see site drainage and infrastructure section within this CAR Form

Under the waste exemption conditions, KDK Metals Ltd have not complied with their S2 waste exemption due to:

- the storage must take place at a secure place - please see site security section within this CAR Form
- the storage place has sealed drainage - please see site drainage and infrastructure section within this CAR Form
- the waste is stored at a dock before being exported or after being imported - KDK Metals Ltd is not a dock
- each type of waste must be stored separately - The residual waste(s) present on site are not an authorised waste code under the S2 waste exemption



Photo 7 - Large quantity of scrap metal waste said to be stored under the T9 waste exemption



Photo 8 - Large quantity of scrap metal waste said to be stored under the T9 waste exemption



Photo 9 - Large quantity of scrap metal waste said to be stored under the T9 waste exemption

This is also a breach of permit condition 2.3.2 (a) which states (see image 2):

"Waste shall only be accepted if: it is of a type and quantity listed in schedule 2 table(s) S2.1 [, S2.2 etc.]"

Schedule 2 - Waste types, raw materials and fuels	
Table S2.1 Permitted waste types and quantities for end of life vehicle de-pollution	
Maximum quantity	The maximum quantity for waste to be accepted on site shall not exceed 2,499 tonnes per year.
Exclusions	Notwithstanding the waste types set out in this table, wastes having any of the following characteristics shall not be accepted: <ul style="list-style-type: none"> • hazardous waste
16	WASTES NOT OTHERWISE SPECIFIED ON THE LIST
16 01	end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance (except 13, 14, 16 06 and 16 08)
16 01 04*	end-of-life vehicles
16 01 06	end-of-life vehicles (containing neither liquids nor other hazardous components)

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Image 2 - Extract from KDK Metals Ltd Permit (EPR/AB3797ZE) stating permitted waste types that can be accepted

SITE DRAINAGE AND INFRASTRUCTURE

The site does not have an interceptor drainage system. Any liquid loss of containment from site would enter the nearby foul sewer located just outside the permit boundary. To date, there have been no reports of a water pollution incident attributed to KDK Metals Ltd however due to no interceptor system in place there is a greater potential, should a liquid loss of containment occur at KDK Metals Ltd, of a water pollution incident occurring. There was some areas of site that required flooring infrastructure repairs also (see photo 10-12).



Photo 10 - Surface infrastructure at KDK Metals Ltd requiring maintenance



Photo 11 - Surface infrastructure at KDK Metals Ltd requiring maintenance



Photo 12 - Surface infrastructure at KDK Metals Ltd requiring maintenance

This is a breach of permit condition 2.1.1 which states (see image 3):

"The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities")."

Schedule 1 - Operations		
Table S1.1 activities		
Activity reference	Description of activities for waste operations	Limits of activities
1 – End-of-life vehicle storage and depollution facility	<p>R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)</p> <p>R4: Recycling/ reclamation of metals and metal compounds</p> <p>R5: Recycling/ reclamation of other inorganic compounds</p>	<p>All hazardous waste must be stored and treated on an impermeable surface with sealed drainage.</p> <p>Fully depolluted end of life vehicles shall be stored on either an impermeable pavement with a sealed drainage system or on hard standing.</p> <p>Uncontaminated plastic, glass, ferrous and non-ferrous metals waste arising from treatment of end of life vehicles shall be stored on hard standing or an impermeable surface with sealed drainage system</p> <p>Batteries must be stored in containers with an impermeable acid resistant base with a cover that prevents the ingress and egress of water.</p> <p>Treatment operations shall be limited to manual and/or mechanical</p> <ul style="list-style-type: none"> - depollution of waste motor vehicles (manual treatment only) - dismantling - sorting - separating - baling - cutting (using hand held equipment only) - bulking up for onwards transfer of permitted waste for the purpose of recovery. <p>There shall be no treatment of:</p> <ul style="list-style-type: none"> - waste batteries and/or accumulators - breakpads containing asbestos - oil filters <p>other than bulking up for onward transfer.</p> <p>Waste types as specified in Table S2.1</p>

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Image 3 - Extract from KDK Metals Ltd Permit (EPR/AB3797ZE) stating permitted operating techniques on site and limits of activities

SITE SECURITY

Whilst conducting the site inspection, NRW Officers noticed that the south section of the site was not completely secure with fencing / walls with easy access to the KDK Metals Ltd site (see photo 13). This section of site was easily accessible for unauthorised person(s) where there is a potential for a criminal activity to take place such as arson.



Photo 13 - South section of KDK Metals Ltd with no security fencing

This is contrary to the sites Environmental Management System within the site security section (section 2.5) which states in section 2.5.2:

Fencing - The site is fully secure and bounded in part with 4m concrete panel fencing and in part with 2m high steel paling fencing.

This is a breach of permit condition 1.1.1 (a) which states:

"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"

WASTE RETURN SUBMISSIONS

According to NRW records, KDK Metals Ltd have failed to submit any waste return data for 2021.

Permit condition 4.2.2: *"Within one month of the end of each year, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous year."*

As a reminder to the operator, please see below the waste return submission deadlines:

Waste Return Submission Deadline

Annual Return Period	Deadline
January 1 to December 31	January 31 of the following year

Site management need to put in place measures to ensure that the Return data is submitted

diligently every quarter. This can be done by setting calendar reminders or having a consultant to submit the business' data. We can escalate breaches if this is a continuing non-compliance.

PERMIT SURRENDER

Mr. DARE indicated to NRW Officers when on site that he intends to surrender his permit. The site would have to be completely cleared and a site condition report submitted to NRW which would indicate that there was no contamination remaining prior to the surrendering. A final site inspection would be undertaken to determine if the site had been appropriately remediated.

NRW intend to issue the operator a statutory enforcement notice (Section 59 EPA 1990) to remove all unauthorised waste not covered by the environmental permit (EPR-AB3797ZE) and registered waste exemptions (NRW-WME071438).

NRW Officers Greg GARDNER and Alex BOWDER left site at 12.15pm the same day.

If you have any issues with this report please contact Greg Gardner on greg.gardner@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

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.