

Compliance Assessment Report CAR_NRW0040781

Permit being assessed: BB3298HN.

For: Green Steel Works Ltd, held by Green Steel Works Ltd

At: Unit 6, Capital Valley Eco Park, Rhymney, Tredegar, Caerphilly, NP22 5PT.

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

On 06/12/2022 between 10:40 and 12:20.

Parts of permit assessed: 1, 2, 3 & 4

NRW Lead Officer: Jak Rose.

Report sent to: Milo Thomas, Director on 14/12/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E3 - Emissions - Surface water	C2 Significant	2.3
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor	3.4.1
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3.1
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1

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

Total number of non-compliances recorded	Total non-compliance score
4	43

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
E3	Take steps to improve the infrastructure and drainage system within the operational areas used to store waste material. In order to comply with permit conditions, a sealed drainage system is required, and infrastructure engineering works must take place to install this type of system.	29/09/2023
D2	Reduce the stockpile volume of mattresses and increase the separation distances between the combustible waste streams. Distances must be sufficient and FPMP measures must be implemented at all times.	31/01/2023
C4	Ensure site activities are carried out in accordance with Table 2.3. Non-specified wastes only to be stored and treated inside a building. Continue removal of unpermitted waste types 19	31/03/2023

Criteria	Action needed	Complete by
	12 12.	
C2	No burning of waste is to take place on site.	14/12/2022

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 compliance report details the site inspection conducted by Natural Resources Wales (NRW) Officers on 6 December 2022 at: Green Steel Works Limited, Unit 5/6, Capital Valley Eco Park, Rhymney, Gwent NP22 5PT EPR- BB3298HN

Waste Regulation Officer Jak ROSE arrived at 10:40 and met with Milo THOMAS, Director. The last routine site inspection was completed on 18 January 2022. It was requested that an entire site walk around was undertaken. The weather conditions were overcast.

Last Compliance Inspection

Previous compliance inspections have listed several actions to be taken by the operator: -

- Submission of Fire Prevention & Mitigation Plan for expanded permitted area
COMPLETE AND AWAITING FULL DESK-BASED REVIEW
- Submission of updated Environmental Management System (EMS) for expanded permitted area – **COMPLETE AND AWAITING FULL DESK BASED REVIEW**
- Action needed - Ensure site activities are carried out in accordance with Table 2.3. Non-specified wastes only to be stored and treated inside a building. – **INCOMPLETE**
- Action needed – Ensure waste types accepted are only those listed within Table 2.2. Ensure no further unpermitted waste types are accepted onto site. Deadline is on receipt of this report. – **ONGOING. WASTES CURRENTLY REMAIN ONSITE.**

Waste Exemptions

Prior to the inspection the following waste exemptions were noted as being registered by Green Steel Works Limited:

- NRW-WME047748 – Registered 10/12/2019
- NRW-WME055397 – Registered 21/09/2020
- NRW-WME073240 – Registered 14/04/2022

In an email dated 7 December 2022 the Operator confirmed that these waste exemptions

are no longer being used. If they are no longer being used, please deregister them by contacting NRW.

Permit Breaches

A total of four breaches have been scored. It was documented that there are non-compliances regarding site's infrastructure and operations. Given that the inspection was scheduled by the Regulating Officer the number of breaches is concerning.

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E3 – Surface water - Permit Condition 2.3 – Category 2 Breach



Photo 1 – Storage area with standing surface water with pump in-situ.

A category 2 breach has been scored under the above condition because, during the inspection, Officers observed a water pump with a hose leading from an area used for storing wastes being pumped and illegally discharged beyond the permitted area: as shown in **Photo 1 (above)**.

The current drainage system is clearly not operating effectively and, as a result, the Operator has chosen to implement interim measures without consulting NRW to remove the water by pumping it off site: **Photo 2 (below)**. This is not appropriate contingency action for this situation. The standing water in the yard appeared to have an iridescent appearance on the surface of the water suggesting levels of contamination. The area should benefit from a sealed drainage system; however, this appears to be absent.

Waste streams are currently being stored outside that are not benefiting from a sealed system. The Operator has limited control of any rainfall washing through waste and subsequent leachate produced, relying on the industrial estate's drainage system to manage the emissions leaving from the site.



Photo 2 – hose leading from drainage channels within the operational storage area of the yard.

The Operator advised during the previous inspection that a recent drainage survey for this area had been conducted, with consideration to the installation of a suitable interceptor-based system or sealed drainage. No evidence of this has been received by NRW.

The absence of a suitable drainage system was first raised in 2019 **Report ID: CAR_NRW0036028** regarding the surface water in the yard and it was breached as a Category 3. Below is an extract from the ***Operating Techniques*** which highlights the requirement of a sealed drainage system.

Table 2.3 Operating techniques

1. Unless stored or treated outside as specified waste³:
 - a) all bulking, transfer or treatment of waste shall be carried out inside a building;
 - b) all waste shall be stored in a building or within a secure container.
 - c) all waste shall be stored and treated on an impermeable surface with sealed drainage system.
2. Specified waste shall be stored and treated on hard standing or on an impermeable surface with sealed drainage system.

The action by the Operator is considered to be a non-compliance, which could have a significant environmental effect on sensitive receptors (such as watercourses) in the vicinity. Steps to address this point source emission into surface waters or groundwater will be included in the Regulation 36 Notice.

The definition of a sealed drainage system is within the **“Interpretation”** section of the permit which details: *“sealed drainage system” in relation to an impermeable surface, means a drainage system with impermeable components which does not leak and which will ensure that:*

(a) no liquid will run off the surface otherwise than via the system;

(b) except where they may lawfully be discharged to foul sewer, all liquids entering the system are collected in a sealed sump. The operator must focus its attention to install an appropriate drainage system that encompasses the permitted boundary. This is typically done by: (i) installing an interceptor and gully culvert system where all run-off is channelled to; or (ii) installing a sump that collects run-off and contents are tankered away when full.

ACTION: Take steps to improve the infrastructure and drainage system within the operational areas used to store waste material. In order to comply with permit conditions, a sealed drainage system is required, and infrastructure engineering works must take place to install this type of system.

DEADLINE: 29th September 2023

Environmental Permitting (England and Wales) Regulation 36 Statutory Enforcement Notice

Due to the level of risk posed to the environment from site activities not being conducted on an appropriate sealed drainage system, a Statutory Notice will be issued to ensure that the Operator carries out necessary works to bring site activities into compliance with its permit conditions.

D2 Accidents, emergency and incident planning – Permit Condition 3.4.1 - Category 3 breach

You have been scored a category 3 breach under the above condition because within *Unit 5* the RDF Waste was situated in close proximity to mattresses, which goes against what is stated in your FPMP. See **Photo 3 (below)**

Here is an extract taken from the current FPMP subheading ***Managing waste material stacks and separation distances***: *There is a 10m separation from any other combustible material or plant and equipment and surrounded by concrete blocks as stipulated above on the Site Plan.*

RDF has the ability to self-heat and combust. Managing waste material stacks and separation distances is crucial to prevent the risk of fire and spreading to other stored combustible materials. At present the FPMP does not reflect the current layout where RDF is being stored next to the mattresses.



Photo 3 - Behind the brick wall is the storage of RDF next to the mattresses and the resulting heat from the RDF waste.

The Operator has said that the build-up of mattresses was due to plant breakdowns and having to change the processing on site.

The current FPMP states that there is a distance of 10m separation from other waste streams. This was not being adhered to. An in-depth review of the current FPMP will take place in 2023. The most up to date version is 2020. If there is a more recent version of this

document, please can this be sent to the Regulating Officer as soon as possible.

ACTION:

Reduce the stockpile volume of mattresses and increase the separation distances between the combustible waste streams. Distances must be sufficient and FPMP measures must be implemented at all times.

DEADLINE: 31 January 2023

C4 –Storage, handling, labelling and segregation – Permit Condition 2.3.1 – Category 3 Breach

An outstanding Action from **CAR_NRW0039226** in January 2022 with a deadline of 4 April 2022 is detailed below:

C4	Ensure site activities are carried out in accordance with Table 2.3. Non-specified wastes only to be stored and treated inside a building. A deadline of the 4th April 2022 has been given for this to be completed.	04/04/2022
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You have been scored a category 3 breach under the above condition because your permit does not list the RDF waste type **19 12 10** - combustible waste (refuse derived fuel) as a *specified waste* see **Photo 4 (below)** This action is incomplete and therefore you have been scored a category 3 breach. These were currently being stored outside at the time of inspection which does not comply with the **Operating Techniques** as specified in **Table 2.3**.



Photo 4 – 19 12 10 RDF wastes being stored outside of a building

During the inspection **20 01 40** – metals were also being stored outside that are not listed within the *specified wastes list*. Here is a list of waste codes taken from **Condition 4.4**

Interpretation:

“*specified waste*” means the following waste codes in Table 2.2: 01 01 01, 01 01 02, 01 04 08, 01 04 09, 04 13, 02 04 01, 10 11 12, 10 12 08, 10 13 14, 15 01 07, 17 01 01, 17 01 02, 17 01 03, 17 01 07, 17 02 17 03 02, 17 05 04, 17 05 08, 19 12 05, 19 12 09 and 20 02 02.

Any waste stream that is of a type and quantity listed in within the *Table 2.2. Waste types and quantities*; that **does not include the waste codes above** must comply with the operating techniques are per Table 2.3 below.

Table 2.3 Operating techniques

1. Unless stored or treated outside as specified waste³:
 - a) all bulking, transfer or treatment of waste shall be carried out inside a building;
 - b) all waste shall be stored in a building or within a secure container.
 - c) all waste shall be stored and treated on an impermeable surface with sealed drainage system.
2. Specified waste shall be stored and treated on hard standing or on an impermeable surface with sealed drainage system.

Most of the stockpiles observed during the inspection except for **19 12 09** do not benefit from a fully impermeable surface and a sealed drainage system.

The Operator has made efforts to remove **19 12 12** wastes, but some are remaining since the previous inspection in January 2021. The Operator is in the process of getting them removed off site but awaiting to remove the ash. There have been efforts made to remove this waste and it has been reduced from the previous inspections.

The Waste Returns indicate that the removal of **19 12 12** has been taking place. Please continue to remove this.



Photo 5 – Ferrous and non-ferrous metals stored outside (19 12 02 and 19 12 03)

Final outgoing wastes **19 12 02** and **19 12 03** are still being stored outside **Photo 5 (above)**. This has been raised previously during NRW's inspections. If these wastes as well as other wastes that are not "*specified waste*" continue to be stored outside on the next inspection NRW will consider enforcement action. The Operator has been made aware of the **Operating Techniques** on several occasions.

It is apparent that there is an inconsistent approach to the storage requirements of the permit, as it was noted during an inspection in February 2020 *Report ID: CAR_NRW0036403* that these wastes had been either moved into the building on site or removed from site.

If action is not taken to rectify this non-compliance, NRW may consider the scoring of further permit breaches and issuing further enforcement action.

ACTION: Ensure site activities are carried out in accordance with Table 2.3. Non-specified wastes only to be stored and treated inside a building. Continue removal of unpermitted waste types 19 12 12.

DEADLINE: 31 March 2023

**C2 - Management system and operating procedures – Permit Condition 1.1.1
– Category 3 Breach**



Photo 6 – Area used to burn wooden pallets outside Unit 6

You have been scored a category 3 breach under the above condition because during the inspection Officers observed the area in **Photo 6 (above)** being used to burn wooden pallets. There was also what appeared to be the remains of an oil filter within the burn barrel. See **Photo 7 (below)**



Photo 7 – Remains of an oil filter casing within barrel.

The Operator was unable to explain the origin of the oil filter, the Operator admitted that there had been burning wooden pallets. Within your written management system, it must identify and minimise 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.

ACTION: No burning of waste is to take place on site.

DEADLINE: Immediate

Site Observations

- No shredding taking place at time of inspection. The Operator informed Officers that they stopped shredding mattresses about 3 months ago.
- Officers observed the baling of the mattresses. The site is sending these to SSSI Ltd in England.
- The Operator has stated the intention to apply for a bespoke permit to expand the area of operations.
- Consideration and use of a wash plant.

Waste Returns

These appear to be up to date. Q3 2022 may be outstanding and if you could check your emails you may have received an email from our Waste Returns Team, if there were any incomplete fields, they would have been returned with a request to fully complete.

The system cannot recognise blank cells, in such instances a return would be rendered void, so each cell with information needs a corresponding entry in the remaining cells of that row.

Officers left the site at 12:20.

If you have any issues with this report, please contact Officer Jak Rose at jak.rose@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.