

## Compliance Assessment Report CAR\_NRW0041634

**Permit being assessed:** HB3490HK.

For: Abertawe Metals Ltd Transfer Station, held by Abertawe Metal Recycling Limited  
At: Abertawe Metals Ltd Transfer Station, Dyffryn Close, Swansea Enterprise Park,  
Swansea, Swansea, SA6 8QG.

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

On 21/03/2023 between 10:50 and 11:40.

Parts of permit assessed: Site

**NRW Lead Officer:** Cathy Lloyd.

**Report sent to:** James Larner, Operator on 03/04/2023.

### 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   | C3 Minor          | 2.2.1               |
| B4 - Infrastructure - Containment of stored materials  | C3 Minor          | 2.3.1               |
| B3 - Infrastructure - Site drainage engineering (clean and foul)   | C3 Minor          | 2.3.1 Table 2.3 (4) |
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | C4 No impact      | 4.2.2               |
| C2 - General Management - Management system and operating procedures   | C3 Minor          | 1.1.1               |
| A1 - Specified by permit   | C3 Minor          | 2.1.1               |

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

| Total number of non-compliances recorded | Total non-compliance score |
|--|----------------------------|
| 6  | 20.1                       |

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       | All WEEE and textiles must be removed from site. Please provide the waste transfer notes showing its removal.    | 01/08/2023  |
| B4       | Action: Store all waste materials as required by permit conditions   | 01/08/2023  |
| B3       | Maintain the drainage system and provide a copy of the drainage system within you updated EMS. Provide a copy of | 01/08/2023  |

| Criteria | Action needed   | Complete by |
|----------|---|-------------|
|          | the last hazardous waste transfer note produced for maintaining the oil interceptor.  |             |
| G4       | Provide all outstanding waste returns.  | 01/08/2023  |
| C2       | Please provide the updated EMS and the continuing competence certificate of the TCM for our records. Please include the drainage plan of the site and the Trade Waste Agreement with Welsh Water. | 01/08/2023  |
| A1       | Please stop using the mechanical equipment used for the treatment of cables.  | 01/08/2023  |

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.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

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

An unannounced routine inspection was carried out on the 21 March 2023. I was accompanied by James Larnier (TCM). The site was assessed under the Standard Rules permit conditions, SR2012No14.

#### **C3 Material Acceptance – Category 3 breach of condition 2.2.1**

Your permit does not authorise the acceptance of Textiles or WEEE, both were noted on site during the inspection. This is a category 3 breach of condition 2.2.1 which states: *Waste shall only be accepted if it is listed in 22a and 22b*

**Action:** All WEEE and textiles must be removed from site. Please provide the waste transfer notes showing its removal.

#### **B4 containment of stored materials – category 3 breach of condition 2.3.1**

Undepolluted vehicles were being stored on unmade ground.

Condition 2.3.1 Table 2.3 (3) states:

3. Whole undepolluted and undamaged vehicles shall be stored on an impermeable

pavement with

- a. sealed drainage system; or
- b. a drainage system which discharges to surface water or to groundwater and is designed constructed and maintained so discharged run off does not adversely impact the water quality of receiving water bodies, both during construction and when operational.

4. All other waste shall be stored on an impermeable surface with sealed drainage system.

**Action:** Store all waste materials as required by permit conditions.



**(B3) Site Drainage and Engineering (clean and foul) – Category 3 breach of condition 2.3.1 Table 2.3 (4)**

The area where scrap metal was being stored was flooded with water contaminated with oil. Inadequate maintenance of the drainage has been noted on each inspection since the permit has been varied. Scrap metal must be stored on a sealed drainage system.

**Action:** Maintain the drainage system and provide a copy of the drainage system within you updated EMS. Provide a copy of the last hazardous waste transfer note produced for maintaining the oil interceptor.





**G4 – Monitoring and Records, Maintenance and Reporting – Reporting and notification to Natural Resources Wales – Permit condition 4.2.2**

4.2.2. Within one month of the end of each year, the operator shall submit to the Environment Agency 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.

NRW has not received waste returns since 2018. This is a category 4 breach of condition 4.2.2

**Action:** Provide all outstanding waste returns.

## **C2 management system and operating procedures**

Condition states 1.1.1 The operator shall manage and operate the activities:

(a) 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;

and

(b) using sufficient competent persons and resources.

**Action:** Please provide the continuing competent certificate for the sites' TCM

Condition 1.1.2 states:

Records demonstrating compliance with rule 1.1.1 shall be maintained

NRW has not received the updated EMS despite requesting this information since the permit was varied. **Failure to comply may result in a notice being served.**

**Action:** Please provide the updated EMS for our records. Please include the drainage plan of the site and the Trade Waste Agreement with Welsh Water.

Condition 3.4.1 states the operator shall manage and operate the activities in accordance with a written Fire Prevention Plan using the current, relevant fire prevention plan guidance.

Fire prevention and mitigation plan guidance can be found below:

[Guidance No. 16 Fire prevention and mitigation plan - waste management \(naturalresources.wales\)](http://naturalresources.wales/Guidance%20No.%2016%20Fire%20prevention%20and%20mitigation%20plan%20-%20waste%20management)

**Action:** Please provide NRW with a copy of the Fire Prevention and Mitigation Plan

## **A1 Specified by permit category 3 breach 2.1.1**

The site is undertaking mechanical treatment of waste. This is not authorised by the permit. All treatment activities must be undertaken using hand held equipment only.

Condition 2.1.1 states The operator is only authorised to carry out the activities specified in table 2.1 below (activities):

**Table 2.1.Metal recycling:** Treatment consisting only of sorting, separation, grading, shearing, baling, compacting, granulating of cables, and cutting using hand-held equipment only, of ferrous metals or alloys and non-ferrous metals into different components for recovery.

**Action:** Please stop using the mechanical equipment used for the treatment of cables.

**Hazardous Waste Producer**

**Action:** As a producer of hazardous waste, you need to register as a hazardous waste producer, please see link below

[Natural Resources Wales / Register or renew as a hazardous waste producer](#)

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](mailto: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](mailto: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.