

Compliance Assessment Report CAR_NRW0041669

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 03/04/2023 between 09:40 and 10:40.

Parts of permit assessed: Various

NRW Lead Officer: Jak Rose, accompanied by Greg Gardner.

Report sent to: Milo Thomas, Director/TCM on 27/04/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
D2 - Incident Management - Accidents, emergency and incident planning	C2 Significant	3.4.1 The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.
C3 - General Management - Materials acceptance	C3 Minor	2.2 Waste shall only be accepted if: (a) it is of a type and quantity listed in table 2.2
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3.1 The activities shall be operated using the techniques and in the manner described in Table 2.3 below.
D1 - Incident Management - Site security	Action only (X)	
E3 - Emissions - Surface water	Ongoing (O)	2.3 The activities shall be operated using the techniques and in the manner described in Table 2.3 below.
C1 - General Management - Staff competency/training	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
3	39

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
D2	Reduce stockpile heights outside of the building to 4m. Implement a fire break of 10m between combustible materials within Unit 5 also ensuring these stockpile heights remain under 4m. Stricter controls are needed to reduce the fire risk posed from the storage of these combustible wastes.	02/05/2023
C3	Ensure waste types accepted to site are only those listed within Table 2.2 of your environmental permit. Ensure no further unpermitted waste types are accepted onto site. Remove 19 12 12 waste from site and send all waste transfer notes for the removal of the 19 12 12 wastes to your regulating officer. Ensure regular updates are held with your regulating officer as to the progress of the removal of these wastes.	29/09/2023
C4	Ensure site activities are carried out in accordance with Table 2.3 Operating Techniques. All non-specified wastes must be stored and treated inside a building. Move all non-specified wastes, as identified in your environmental permit inside a building.	30/06/2023
D1	Repair perimeter fencing behind banded stockpile to prevent access to any unauthorised person(s).	30/06/2023
E3	Continue with the plans to implement a sealed drainage system as per the operating techniques	29/09/2023

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.

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 3 April 2023 at: Green Steel Works Limited, Unit 5/6, Capital Valley Eco Park, Rhymney, Gwent NP22 5PT EPR- BB3298HN.

Waste Regulation Officers Jak ROSE and Greg GARDNER arrived at 09:40 and met with Mr. Milo THOMAS, Director/Technically Competent Manager (TCM) and Mr. Dwain

OSBORNE, Operations Manager. The last site inspection was completed on 6 December 2022 (CAR_NRW0040781). It was requested that a complete site inspection was undertaken. The weather conditions were fine and dry with sunshine and a light breeze.

To remind the company following each visit Natural Resources Wales 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 on 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

ACTIONS FROM PREVIOUS SITE INSPECTION(S) - CAR_NRW0040781 on 6 December 2022

Action(s)	Completed (Yes/No/Ongoing)	Action Taken by Operator
Take steps to improve the infrastructure and drainage system within the operational areas used to store waste material. To comply with permit conditions, a sealed drainage system is required, and infrastructure engineering works must take place to install this type of system.	Ongoing (Regulation 36 Notice)	Green Steel are in the process of getting plans drawn up for the works required.
Reduce the stockpile volume of mattresses and increase the separation distances between the combustible waste streams. Distances must be sufficient, and Fire Prevention Management Plan (FPMP) measures must be implemented at all times.	No	Mattresses appear to have been reduced. The separation distances appear to be less than 10m as required by the FPMP.
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 (put in what the description is)	No	None
No burning of waste is to take place on site.	Yes	No evidence of burning found during inspection.

Introduction

Green Steel operate under a Standard rules SR2008 No3 - household, commercial and industrial waste transfer station with treatment.

The maximum quantity of waste accepted and processed on site shall not exceed 75,000 tonnes a year.

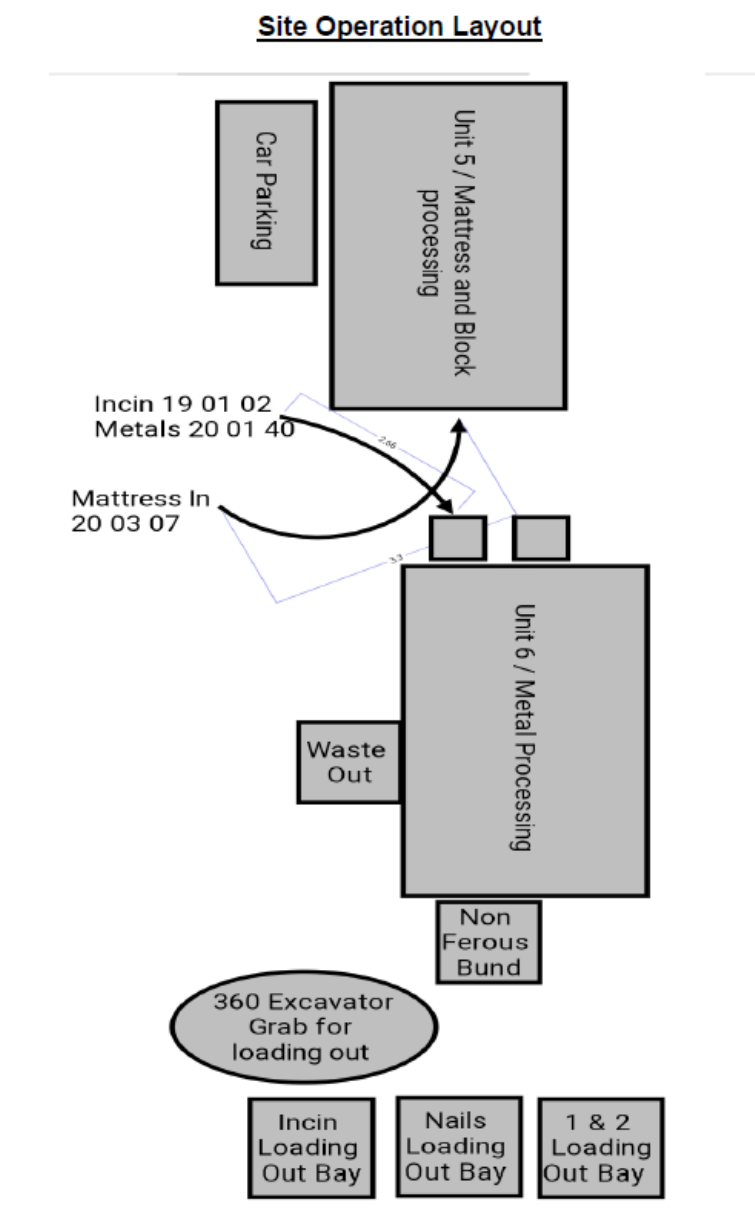
Except for *specified waste*, all bulking, transfer, or treatment of non-hazardous waste must be carried out inside a building. Wastes can be bulked up for disposal or recovery elsewhere and can also be treated by sorting, separation, screening, baling, shredding, crushing and compaction. These rules will not permit the burning of any wastes, either in the open, inside buildings or in any form of incinerator.

Inspection Observations

- Due to the incomplete actions and the increased fire risk from the current stockpile management the site is non-compliant with the permit.
- The Operator has been made aware of the activities taking place outside of the buildings during several previous inspections. The wastes being stored outside has escalated and the Operator continues to ignore the actions given by NRW to improve the sites operations.
- Mr. THOMAS was unsure as to the classification of the waste being stored in the open yard area to the East of Unit 6. Officer ROSE and GARDNER propose these stockpiles to be an unknown mixture of trommel fines. It was apparent that the stockpiles outside of the building appeared to have increased in size since the previous site inspection in December 2022 (**CAR_NRW0040781**).
- There was a significant amount of pooling water around the areas located outside the buildings but without sufficient drainage.
- Officers walked towards the top of the site to the area where the ferrous and non-ferrous bays are located. The warehouse of Unit 6 appeared to have some standing water. The processing lines were operating at the time of inspection.
- The current Green Steel FPMP document does not reflect what was observed by Officers during the inspection. There appears to be no regard from the operator as to the control measures outlined in the FPMP.
- The layout in the EMS does not reflect the wastes that are currently being stored. The amount of available space in Unit 6 has not been considered to store materials that should be stored inside a building as per the sites permit under the *Operating Techniques* section.
- Waste Exemptions ref: **NRW-WME055397, NRW-WME057049 and NRW-WME073240** (S1, S2, T5, U1 and T9) remain in place for the site. These will be de-registered by NRW as they can no longer be used, and the site is unable to comply

with the conditions of the exemptions at this present time.

The below is a screenshot of the site operation layout taken from Green Steel Environmental Management System Plan (EMS 2021)



Permit Breaches

D2 - Accidents, emergency and incident planning – Category 2 Breach – Permit Conditions 3.4.1

“The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.”

Metal stockpiles to the entrance of Unit 6 have increased significantly since the previous inspection (**CAR_NRW0040781**). The Operator advised NRW previously that that due to height restrictions imposed by roller shutter doors to both units, incoming waste may be loaded/unloaded directly in front of buildings. NRW appreciate that wastes may need to be **temporarily** stored outside of site buildings due to these restrictions.

It is apparent that current stockpile management is not temporary, and the Operator must manage these stockpiles in accordance with their permit conditions as well as their FPMP guidelines.

At the time of the inspection Officers observed stockpiles of unprocessed scrap metal over 4m in height twinned with insufficient separation distances between combustible stockpiles within Unit 5.

Below are (**Photos 1, 2 and 3**) Photo 1 shows one of the two stockpiles more than 4m in height. The Operator has been given an opportunity to reduce this stockpile previously however it appears that no efforts have been made to remove this waste.



Photo 1 – NRW Officer stood against stockpile 1 of 2 between Unit 5 and 6

As part of your waste stack management protocol within your FPMP you **must** consider adopting the general fire prevention and mitigation principles of maintaining stockpile heights of less than 4m.



Photo 2 – showing banded stockpile containing 19 12 12 awaiting disposal.



Photo 3 above shows the stockpiles 2 of 2 of waste waiting to be processed. The storage of these wastes has been raised previously ref: (**CAR_NRW0039226**). NRW have stated that wastes can be stored outside of the building on the understanding that it is **temporary** due to the heights of the entrance to Unit 6 in the background. The temporary agreement refers to incoming stockpiles that can be processed in a practical manner this means after they have arrived and are not left to be used as a storage area. These wastes are not permitted to be stored outside.

Mr. THOMAS sent an email on 24 February 2023 to Officer ROSE of the separation

distances between RDF and mattresses stockpiles in Unit 5 (**see below**).



Officers observed the above and it does not comply with the requirements within your FPMP of a firebreak of 10m between combustible stockpiles.

NRW wishes to make the Operator aware that if we believe their site poses a high risk of fire, we may intend to carry out joint visits with the Fire & Rescue Service.

In addressing the issues raised above, it should not be relied upon to mean that the measures are considered to represent appropriate measures covering every eventuality through operation of the permit. Your FPMP should be kept under constant review to ensure measures remain effective. You must also ensure that the FPMP is always implemented on site.

ACTION REQUIRED: Reduce stockpile heights outside of the building to 4m. Implement a fire break of 10m between combustible materials within Unit 5 also ensuring these stockpile heights remain under 4m. Stricter controls are needed to reduce the fire risk posed from the storage of these combustible wastes.

DUE DATE: 2 May 2023

C3 – General Management - Waste Acceptance – Permit Condition 2.2.1 – Category 3 Breach

2.2 Waste acceptance

2.2.1 Waste shall only be accepted if:

- (a) it is of a type and quantity listed in table 2.2 below; and
- (b) it conforms to the description in the documentation supplied by the producer and holder.

NRW have received evidence in the form of waste transfer notes from Mr. THOMAS that indicate waste classified by the producer as EWC 19 12 12 other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11 was sent to Green Steel Works Limited. On review of quarterly waste returns it appears that this waste may have been recorded as EWC 20 01 40 metals by Green Steel Works Limited as incoming wastes.

On review, NRW consider that EWC 19 12 12 has been accepted onto the Green Steel Works Limited site. Therefore, NRW also consider that quarterly waste returns have been submitted incorrectly.

The Operator was previously given a Category 3 Breach (**CAR_NRW0039226**) regarding this issue in January 2022. If the Operator continues to accept a non-permitted waste stream to site NRW will consider escalating its enforcement response.

Officer ROSE reviewed the waste transfer notes submitted by Mr. THOMAS and it has been calculated that approximately **186 tonnes** of 19 12 12 have been accepted to site in the last six months.

Officer ROSE mentioned during a telephone call with Mr. THOMAS that there will be a further investigation into the root cause of these issues which will involve liaising with the Environment Agency (EA) and their respective sites in which the wastes were produced.

ACTION REQUIRED: Ensure waste types accepted to site are only those listed within Table 2.2 of your environmental permit. Ensure no further unpermitted waste types are accepted onto site. Remove 19 12 12 waste from site and send all waste transfer notes for the removal of the 19 12 12 wastes to your regulating officer. Ensure regular updates are held with your regulating officer as to the progress of the removal of these wastes.

DUE DATE: 29 September 2023

C4 – General Management - Storage, handling, labelling and segregation

– Permit Condition 2.3.1 – Category 3 Breach**2.3 Operating techniques**

2.3.1 The activities shall be operated using the techniques and in the manner described in 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.

Extract (above) from Green Steel Permit (EPR- BB3298HN)



Photo 4 – non-specified wastes being stored outside, east of Unit 6



Photo 5 – baled waste being stored outside behind Unit 5

Mr. THOMAS stated the wastes to the east of Unit 6 were 19 12 09 and were permitted to be stored outside. Mr. THOMAS is correct however 19 12 09 are classified as minerals (for example sand, stones). Officer ROSE and GARDNER examined the stockpiles and upon further inspection the wastes appeared to have quantities of plastic and metal contaminants which would suggest they were either classified incorrectly or they had yet to be processed.

Mr. THOMAS said previously in emails the wastes stored outside are 'ash fines' coded as 19 12 09 which has undergone processing. If they are ash fines, they are certainly not minerals (for example sand, stones) as 19 12 09 suggests.



Photo 4 – ‘ash fines’ being stored east of Unit 5 and 6.

“specified waste” means the following waste codes in Table 2.2: 01 01 01, 01 01 02, 01 04 08, 01 04 09, 01 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 02, 17 03 02, 17 05 04, 17 05 08, 19 12 05, 19 12 09 and 20 02 02.

Above is the extract taken from Section 4.4 of the permit. These are specified wastes that can be stored outside on the basis that they shall be stored and treated on hard standing or on an impermeable surface with sealed drainage system.

ACTION REQUIRED: Ensure site activities are carried out in accordance with Table 2.3 Operating Techniques. All non-specified wastes must be stored and treated inside a building. Move all non-specified wastes, as identified in your environmental permit inside a building.

DUE DATE: 30 June 2023

D1 - Site security - Action only- Permit Condition 1.1.1.

Officers observed the damaged fencing to the western side of the site which has been damaged by the stockpile shown in Photos 1 and 2. There is a public footpath next to the A469 and access to the site would be a risk to the public. As this section of the site was easily accessible for unauthorised person(s) to gain entry, from a health, safety and environmental perspective, there is a greater potential for criminal activity to take place such as arson and / or injury to be sustained by potentially climbing the stockpile.



Photo 5 – waste has fallen from stockpile and damaged perimeter fencing

ACTION REQUIRED: Repair perimeter fencing behind bunded stockpile to prevent access

to any unauthorised person(s).

DUE DATE: 30 June 2023

E3 - Surface water - Ongoing non-compliance - not scored - Permit Conditions 2.3

A Regulation 36 Notice is in effect. Please continue with the plans to implement a sealed drainage system as per the operating techniques identified within your environmental permit. Non-compliance with the permit is being resolved through investment in infrastructure, The Operator says this is currently in progress and plans are underway to install a suitable drainage system. **Photos 6 and 7** below shows the pooling of water due to blockage of the drainage channels at the time of inspection.



Photo 6 – pooling of surface water outside Unit 6



Photo 7 – drainage channels visible but appear to be blocked**Waste Returns**

A review of the transfer notes by Officer ROSE raised some concerns regarding the producer sites potentially assigning incorrect EWC codes. NRW will work with the EA to determine why the producers are sending 19 12 12 to a site that is not permitted to accept such waste streams. Thank you for providing these transfer notes at such short notice.

Waste Return Submission Deadline

Quarter	Period	Deadline
1	1 January to 31 March	30 April
2	1 April to 30 June	31 July
3	1 July to 30 September	31 October
4	1 October to 31 December	31 January

TCM

The current TCM is Mr. Milo THOMAS, who holds a Level 4 Medium Risk Operator Competence for Non-Hazardous Waste Treatment and Transfer which expires on 21/10/2023.

Summary

If the Operator continues to not comply with their permit conditions, NRW may be seek a permit review which may involve suspending the permit or taking legal action.

The Operator has been asked to consider the activities on site and the ongoing issues highlighted by current NRW Officers and previous Officers.

NRW Officers Jak ROSE Greg GARDNER left site at 10:40 the same day.

If you have any issues with this report, please contact Jak Rose on jak.rose@naturalresourceswales.gov.uk

I look forward to working with the site in the future.

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.