

Compliance Assessment Report CAR_NRW0041818

Permit being assessed: EP3830GH.

For: Liberty Steel Newport Ltd, held by Liberty Steel Newport Ltd

At: Corporation Road, Newport, NP19 4XE.

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

On 14/03/2023 between 10:15 and 11:45.

Parts of permit assessed: C4

NRW Lead Officer: Ian James, accompanied by Wayne Grimstead.

Report sent to: Richard Steed, HR and Admin Manager on 12/05/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3.1
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3.3

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
C4	Remove all waste stored on site longer than the permitted 9 months.	31/10/2023
C4	Remove all loose RDF from the installation.	31/10/2023

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

Ref: Liberty Steel Meeting – Tuesday 14th March 2023

Present: Ian James and Wayne Grimstead (NRW), Richard Steed and Ed Heath-Whyte (Liberty Steel)

Subject: Management of Environmental Permit and progress with RDF/SRF removal on site

Richard Steed (HR and Admin Manager) and Ed Heath-Whyte (Head of Environment and Sustainability)

Richard and Ed gave reassurances that the business position in terms of managing the requirements of the Environmental Permit was that it had approval for resources to allow this. The business had moved from a position of 'mothball' to a more active one where equipment would be actively maintained by retained staff to ensure it was in the best position to re-start operations if/when the economic conditions allowed.

Liberty would like to remove some permitted activities from the Permit though, by means of 'variation' or 'partial surrender'. Certain processes are highly unlikely to re-start and they see removing them now as pertinent to remove monitoring/reporting requirements with associated costs both process and admin (subsistence fees).

NRW suggested that Liberty should set out the variation they propose in writing to us at the earliest opportunity for billing and regulatory purposes. Until this is approved there is still a regulatory requirement unless otherwise agreed.

Unauthorised storage of RDF/SRF – NRW is reassured by the local fire prevention methods employed and the fact that there are still operational staff working daily at the site. However, concern was also raised by NRW that the fire risks increase as the RDF / SRF material degrades further and that formal enforcement action for its removal could not be ruled out.

To this end, Liberty commissioned an independent report on the quality of the material on site and presented it to NRW. The report is dated 16th February 2023 Revision UK23030.001 and is titled RDF Analysis Report.

Notwithstanding the conclusions and recommendations contained within the report and whilst there appears to be a commercial outlet for the RDF / SRF, NRW's position remains that the material is still being stored on site in breach of the permit, either in terms of being beyond storage limits for time, degraded or not permitted (as per the loose material).

In light of the above, the operator should be prioritising the removal of this material to a suitably permitted outlet in its entirety. **The continued unauthorised storage of the RDF / SRF has resulted in 2x Category 3**

non-compliances being issued.

Action 1: Within 1 month from the date of issue of this CAR form, the Operator shall confirm in writing to NRW whether any of the unauthorised RDF / SRF has been removed from the site since it was last inspected, i.e 13th March, 2023. If so, the operator shall provide copies of all waste transfer notes demonstrating its removal.

Action 2: The initial actions to remove the materials (RDF/SRF) are carried over to this CAR from CAR_NRW0038630 dated 16th Aug 2021.

NRW plan to revisit site in July, 2023, with a view to carrying out a further inspection of the unauthorised RDF / SRF where a review of its enforcement position will be considered.

With thanks,

Ian JAMES

If you have any questions regarding this Compliance Assessment Report (CAR) form, please contact Ian James on 03000 654203 or via email on ian.james@naturalresourceswales.gov.uk

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.