

Compliance Assessment Report CAR_NRW0042131

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 05/07/2023 between 10:00 and 11:55.

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

NRW Lead Officer: Jak Rose, accompanied by Jodie Baskerville.

Report sent to: Milo Thomas, Director/TCM on 19/07/2023.

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	C3 Minor	3.4.1
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3
E3 - Emissions - Surface water	C3 Minor	3.1.3
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	
E3 - Emissions - Surface water	Ongoing (O)	2.3
C3 - General Management - Materials acceptance	Ongoing (O)	2.2.1

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

Total number of non-compliances recorded	Total non-compliance score
3	12

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	Minimise stack sizes, small stacks with appropriate separation are safer than one larger one. Demonstrate good stock rotation for all stored materials and show how this is monitored and implemented daily. Surround these stockpiles with concrete blocks and create bays as stipulated in the FPMP.	29/09/2023
C4	Remove non specified waste from outside. Operator must comply with Table 2.3 of the Operating techniques. Specified	29/09/2023

Criteria	Action needed	Complete by
	waste shall be stored and treated on hard standing or on an impermeable surface with sealed drainage system.	
E3	Installation of a containment system for a tank, IBC, or mobile bowser. This must be sufficient capacity to contain at least 110% of the maximum contents of the oil container. Where more than one container is stored, the bund must be capable of storing at least 110% of the largest tank (or of one tank if they are the same size), or at least 25% of the total storage capacity, whichever is the greater.	15/08/2023
G4	Notify the regulating officer without delay of any mechanical breakdowns on site which has the potential to breach the condition of the permit or cause a significant adverse environmental effect.	19/07/2023
E3	Continue with the proposed drainage works on site.	29/09/2023
C3	Continue with the removal of 19 12 12.	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 5 July 2023 at: Unit 6, Capital Valley Eco Park, Rhymney, Tredegar, Caerphilly, NP22 5PT. Permit EPR - BB3298HN.

Waste Regulation Officers Jak ROSE and Senior Waste Regulation Officer Jodie BASKERVILLE arrived at 10:00 and met with Mr. Milo THOMAS, Operator/Director and Mr. Dwain OSBORNE, Operations Manager. The last routine site inspection was completed on 3 May 2023. The weather conditions were fine and dry during the time of inspection.

ACTIONS FROM SITE INSPECTION - CAR_NRW0041669 on 3 April 2023

Action(s)	Completed (Yes/No/Ongoing)	Action Taken by Operator
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	Ongoing	Officers attended on 03/05/2023 to check the status of the stockpile and the fire breaks within Unit 5. (See below for further details)

storage of these combustible wastes		
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.	Ongoing (Due date: 29/09/2023)	Operator has been sending regular updates to Officers showing 19 12 12 being removed from site and sent to: Street Fuel Limited, Berth 6, Chatham Dockyard, Berth 6, Basin 3, Chatham Dockyard, Gillingham, Kent, ME4 4SR - EPR/AB3007XN. At the time of inspection there was still waste remaining on site. There have been no further movements for the past three weeks due to unforeseen circumstances. 38 waste movements for 19 12 12 have been received at the time of the CAR issue date. This will be actioned via the service of a Regulation 36 Notice.
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.	No (Due date: 30/06/2023)	Unpermitted wastes were still being stored outside at the time of the inspection. This will be actioned via the service of a Regulation 36 Notice.
Repair perimeter fencing behind bunded stockpile to prevent access to any unauthorised person(s).	Yes (Due date: 30/06/2023)	See Photo 4 – The fence has been repaired to a sufficient standard.
Continue with the plans to implement a sealed drainage system as per the operating	Ongoing via Reg 36 Notice	Drainage survey has been booked and will be taking place on July 31 st 2023. The contractor proposes to

techniques	(Due date: 29/09/2023)	pressure jet all drain lines prior to surveying them with equipment.
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D2 - Accidents, emergency and incident planning – Cat 3; Permit Conditions 3.4.1

The Operator has been scored a category 3 breach because it was evident that that Fire Prevention and Mitigation Plan (FPMP) is not being followed. It is apparent that the mattresses have increased in volume since the previous visit(s) (CAR_NRW0041669 and CAR_NRW0041889)

Permit conditions 3.4.1 state: “*The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.*”

During the inspection Mr. THOMAS explained the reason for this breach was due to a breakdown of the shredder. The Operator must manage the build-up of mattresses which albeit will not self-combust, is near to Refuse Derived Fuel (RDF) waste which is prone to self-combustion (e.g., due to chemical oxidation in stored waste material) when stockpiled. **(See Photo 1 and 2 below)**



Photo 1 – distances between stockpiles of combustible material (RDF on the left)



Photo 2 – volume of mattresses within unit 5

During the inspection the Operator asked for a staff member to increase the stockpile distances between the RDF and mattresses. Although this is appreciated there must be pro-active approach to adhering to the measures outlined within the FPMP of 10m between stockpiles.

On the 13th July 2023 Mr. THOMAS sent photos via email (see below) of the improved fire break. This is an improvement, however, there still presents a risk of fire due to the quantity of wastes and the nature of the wastes to self-combust in these enclosed areas in Unit 5.



Photo 3 – Mr. THOMAS sent a photo showing improved distances between stockpiles

Action required: Minimise stack sizes, small stacks with appropriate separation are safer than one larger one. Demonstrate good stock rotation for all stored materials and show how this is monitored and implemented daily. Surround these stockpiles with concrete blocks and create bays as stipulated in the FPMP.

Due date: 29th September 2023

C4 – Storage, handling, labelling and segregation – Cat 3; Permit Condition Table 2.3.

The Operator has been scored a category 3 breach because there were quantities of non-specified waste outside that are not permitted under the conditions of the permit. This has remained an ongoing issue during several previous inspections and the Operator has failed to address. NRW will be escalating its response in relation to this breach, we will be serving a Regulation 36 for the wastes to be remove that are stored outside.



Photo 4 – stockpile behind 19 12 09 remains unprocessed fines (behind to the right)

It was noted that next to the non-specified wastes were 19 12 09 minerals (for example sand stones) This can be stored outside in line with the *Operating Techniques*.

Action required: Remove non specified waste from outside. Operator must comply with Table 2.3 of the Operating techniques. Specified waste shall be stored and treated on hard standing or on an impermeable surface with sealed drainage system.

Due date: 29th September 2023

E3 - Surface water – Cat 3; Permit Condition 3.1.3

The Operator has been scored a category 3 breach because during the inspection there were IBC's and oil barrels stored without proper containment. The majority of these were in Unit 5 as seen in **Photo 4 (below)** All containers must be situated within an oil-tight secondary containment system such as a bund.

Permit condition 3.1.3 states: *All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.*



Photo 5 – IBC's and oil barrels stored without secondary containment in Unit 6

Action required: Installation of a containment system for a tank, IBC, or mobile bowser. This must be sufficient capacity to contain at least 110% of the maximum contents of the oil container. Where more than one container is stored, the bund must be capable of storing at least 110% of the largest tank (or of one tank if they are the same size), or at least 25% of the total storage capacity, whichever is the greater.

Due date: 15th August 2023

G4 - Reporting and notification to Natural Resources Wales - Action only; Permit condition 4.3.1

The Operator has experienced frequent breakdowns or failure of equipment which has resulted in breaches of the permit. NRW Officers have only been informed of when this happens when they attend site.

The permit conditions 4.3.1 state: "*Natural Resources Wales shall be notified without delay following the detection of:*

- (a) 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;*
- (b) the breach of a limit specified in these standard rules; or*
- (c) any significant adverse environmental effects."*

Action required: Notify the regulating officer without delay of any mechanical breakdowns on site which has the potential to breach the condition of the permit or cause a significant adverse

environmental effect.

Due date: Immediate

E3 - Surface water - Ongoing non-compliance – Score Suspended; Permit Condition 2.3

On the 10th July 2023 Officer ROSE received an email from Mr. THOMAS confirming that drainage clearance works and CCTV survey of the drainage has been arranged.

On 18th July 2023 Mr. THOMAS emailed Officer ROSE to inform us that drain survey works are due to start July 31st 2023. The contractor proposes to pressure jet all drain lines prior to surveying them with CCTV equipment.

This is the first step towards the site implementing a sealed drainage system. To remind the operator, if NRW do not receive written confirmation of a date that works are being undertaken, we will unsuspend the Category 2 breach.

NRW will also consider legal action for non-compliance with the Regulation 36 Notice which may involve suspending the permit and/or taking legal action.

Action required: Continue with the proposed drainage works on site.

Due date: 29th September 2023

C3 – Materials Acceptance — Ongoing Non-compliance – Not Scored - Permit Condition 2.2.1

To date there have been 38 outgoing loads of 19 12 12 since the end of April. At the time of inspection, the rate of the waste leaving site had halted due to the receiving site awaiting classification testing of the wastes.

It was agreed with the operator that due to the non-specified wastes stored outside the building and the 19 12 12 that was unlawfully accepted to site a Regulation 36 Notice will be served.

Action required: Continue with the removal of 19 12 12.

Due date: 29th September 2023

Site Observations

Site Security

The security fencing has been repaired and therefore the action has been complied with (see below)



Photo 6 – newly installed security fencing in the yard between units 5 and 6

Technically Competent Manager (TCM)

Mr. THOMAS holds a level 4 Medium Risk Operator Competence for Non-Hazardous Waste Treatment and Transfer which expires on 21/10/2023.

Summary

The Operator has been informed by NRW Officers that failure to improve the sites infrastructure may result in the permit being suspended. Regular updates must be given as to the works to install a sealed drainage system.

Failure to comply with the Notice(s) can also result in legal action being taken.

Officers left site at 11:55.

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.