

Compliance Assessment Report CAR_NRW0042592

Permit being assessed: CB3392ZQ.

For: Allen And Smith Metal Recycling, held by Leslie Smith

At: Foryd Bank Green Avenue, Kinmel Bay, Conwy, LL18 5ET.

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

On 05/10/2023 between 11:42 and 12:35.

Parts of permit assessed: see below

NRW Lead Officer: Daniel Grant.

Report sent to: Mr Leslie Smith, Permit holder on 24/10/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C2 - General Management - Management system and operating procedures	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
F5 - Amenity - Deposits on road	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
0	0

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?

No action required.

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.

At this time, we do not intend to take any further action.

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

This was an unannounced visit carried out on Thursday 5th October 2023 by Natural Resources Wales officers Daniel Grant (Hazardous Waste Regulation Officer) and Sarah Walton (Waste Regulation Officer).

The purpose of the visit was to undertake a general site inspection.

Officers were accompanied around the site by Mr Leslie Smith (permit holder)

Weather conditions throughout the audit was overcast but dry.

The hazardous waste premises registration was checked prior to the visit. Allen and Smith are currently registered as a hazardous waste producer (CAT198) until the 5th July 2024. This is compliant with Section 21 of the Hazardous Waste Regulations 2005.

Discussions initially took place within the site office with Molly who was running the reception in Emma Smith's absence. Officers asked to see copies of the site's Management System and Fire Mitigation Plan. These were retrieved and electronic copies requested for our records. Emma Smith sent copies of both these documents to Daniel Grant on the 09/10/23. Thank you for your compliance with this matter.

It was explained that John Haddock is currently the technical competent manager on site who holds the required WAMITAB qualification. Officers inspected some maintenance checklists completed by John. In order to ascertain that John holds the relevant qualification requirements officers requested that copies of the certificates were sent to NRW for inspections. These were sent by Emma Smith on the 09/10/23. Thank you for your compliance with this matter.

Site inspection

Officers proceeded with Leslie on to site to carry out the inspection.

During the visit about 10 End of Life Vehicles (ELVs) were stored on site waiting to be depolluted. These were stored on an impermeable surface with sealed drainage (Figure 1). This is compliant with the operating techniques listed in condition 2.3 of your permit.



Figure 1. Un-depolluted ELVs stored on impermeable surface

Officers inspected other parts of the site where waste including ferrous and non-ferrous metal as well as uPVC frames had been clearly segregated and stored in specific bays which were divided by concrete blocks (Figure 2).





Figure 2. Various waste types stored in separate bays on site.

The whole site benefits from an impermeable surface which was in good condition and was kept clean and tidy. All site run-off leads to an interceptor system which is connected to two large tanks on site. Maintenance checks are carried out on the tanks by licensed contractors and the paperwork for this was shown to officers whilst on site. The site interceptor system is inspected every six months by Cleansing Service Group (CSG) who also cleans and empties the interceptors as required.

Depollution of all ELV's occurs within the depollution bay which is situated inside a working shed. The depollution bay is on a hardstanding concrete pad with sealed drainage that is connected to the site's interceptor system.

All Hazardous waste liquids that are derived as part of the ELV depollution process undertaken at Allen and Smith Metal Recycling are removed from ELVs using the newly installed Vortex Combi ELV depollution rig. This equipment is directly connected to pipework that pumps the waste liquids into separate storage tanks (Figure 3).



Figure 3. Waste liquid storage tanks

The waste motor oils removed from ELVs are stored in a double bunded storage tank. Waste oils are removed from site by Oil Salvage Ltd who are a registered waste carrier (CBDU125540).

The fuels removed as part of the depollution process are also pumped to separate petrol and diesel bunded storage tanks. These are re-used on-site as required in the machines.

Oil filters are removed from ELVs using a specialist oil filter crusher on site, drained and then placed back in the same vehicle they were removed from.

Batteries removed as part of the depollution process are stored in containers that are resistant to acid corrosion. All these containers are kept inside a working shed. It was noted that one of the containers containing batteries was not completely under cover of the shed and that rainwater could be allowed to enter the container if it was raining that day. Leslie did confirm that the containers are usually kept under the roof and that they are moved inside to be locked overnight. Although not necessarily a non-compliance in this instance please be aware that a lid for the batteries container should be utilised if it is raining. This is a requirement as per condition 2.3 of your permit:

“Lead acid batteries shall be stored in containers with an impermeable, acid resistant base and a cover to prevent ingress of water”.

The main concern that was discussed during the visit was the separation of waste between different permitted sites. At the time of the visit Dirtbusters yard was only separated by a fence line and some sheets between Allen and Smith Metal Recycling. Although at the time the current method of separating was sufficient to some extent it was clear that as the quantity of waste on site would increase that a more suitable method of separation would need to be considered. Officers raised concern over this at the time with Leslie and a resolution was agreed which would include the installation of more permanent structures in the form of concrete blocks between both sites. A timeframe of one month was agreed on site. Despite this, officer Daniel Grant has already received a photo demonstrating that the blocks have been installed on site on the 09/10/23. Furthermore, on the 12/10/23 another photo was sent from Allen and Smith Metal Recycling showing that the rest of the area between both sites had been separated by sleepers and steel girders. This ensures both permits are clearly separated by a boundary as waste activities at both sites must be completely segregated.

Thank you for your compliance with this matter, it is very reassuring to see the urgency and attitude towards wanting to comply and cooperate.

On the 24/10/23 officer Daniel GRANT spoke with Allen and Smith Metal Recycling regarding the storage of uPVC on site (Figure 2). It was identified following the site visit that uPVC frames are not permitted to be stored at your site as per your permit.

Should you wish to store this waste you can apply to vary your permit here:

<https://naturalresources.wales/permits-and-permissions/waste-permitting/apply-to-change-to-or-vary-a-standard-rules-waste-permit/?lang=en>

Please note it is your duty to classify your waste, however, there is nothing on your environmental permit that would align with this waste stream of PVC window frames. During the telephone conversation it was confirmed that the pile of PVC window frames will be taken off site to another suitably permitted facility by next week.

Please ensure that you inform us when this waste has been moved and send a waste transfer note for this

movement.

Paperwork reviewed on site

Once officers finished the inspection on the site, they requested paperwork for the movement of specific waste streams leaving Allen and Smith Recycling.

Waste motor oil:

Officers inspected the following consignment note for the movement of waste oils from site. This showed the movement of this hazardous waste from Allen and Smith Recycling to Oil Salvage, Liverpool.

- **CAT198/BPDEF (07/08/2023)**

Photos were taken of this consignment note during the visit, and it was inspected later. The consignment note was completed accurately, and no issues were identified. This is compliant with the Hazardous Waste Regulations 2005 (Wales).

Interceptor waste oil:

Officers inspected consignment notes for the oily waste removed from the interceptors on site. These notes showed the movement of this hazardous waste from Allen and Smith Metal Recycling to CSG, Manchester. The two notes that were inspected were:

- **CAT198/61320 (01/09/23)**
- **CAT198/62717 (06/01/23)**

Photos were taken of these consignment notes during the visit, and they were inspected later. The consignment notes were completed accurately, and no issues were identified with these notes, these are compliant with the Hazardous Waste Regulations 2005 (Wales).

Waste batteries:

Waste batteries are removed from site by EMR Metal Recycling, Manchester and taken to EMR, Manchester. Officers inspected the following consignment notes for this movement:

- **EPRCB3/392ZQ (05/10)**
- **EPRCB3/392ZQ (29/09)**
- **EPRCB3/392ZQ (28/09)**

Photos were taken of these consignment notes during the visit, and they were inspected later.

Various issues were noted with these consignment notes which were **non-compliant** with the Hazardous Waste Regulations 2005.

As a result of these non-compliances we will send you a separate Advice & Guidance letter as our current enforcement response. This letter will be sent separately because the non-compliances are in relation to the Hazardous Waste Regulations 2005 and not specifically related to your permit (Environmental Permitting Regulations 2016).

If you have any further questions about the contents of this inspection report please do not hesitate to

contact me.

Yours sincerely

Daniel Grant

Hazardous Waste Regulation Officer

E-mail: daniel.grant@naturalresourceswales.gov.uk

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order.

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.