

Compliance Assessment Report CAR_NRW0043381

Permit being assessed: HB3490HK.

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

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

On 02/02/2024 between 11:25 and 12:30.

Parts of permit assessed: Site

NRW Lead Officer: Cathy Lloyd.

Report sent to: James Larnar, Operator on 22/02/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B4 - Infrastructure - Containment of stored materials	Action only (X)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	C2 Significant	2.3.1 Table 2.3 (6)
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 (a)
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor	3.4.1
C1 - General Management - Staff competency/training	C2 Significant	1.1.1 b
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3.1.Table 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
6	74.1

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
B4	Please provide the documentation to show each vehicle that is stored on permeable ground is being stored on behalf of Swansea Council	26/02/2024
B3	Provide a sealed drainage system for the site.	01/08/2024

Criteria	Action needed	Complete by
G4	Provide all the outstanding waste returns	26/02/2024
C2	Provide copy of the updated EMS	26/04/2024
D2	Provide a copy of the FPMP	26/04/2024
C1	Please provide details of the TCM for the site	26/02/2024
C4	please provide a suitable cover for the batteries or store them within the building.	26/02/2024

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

An unannounced inspection was carried out on 2 February 2024. The weather was damp and drizzly. NRW officer was accompanied by James Larnar.

Abertawe Metal Recycling operates under a SR2012 No14 - Metal recycling, vehicle storage, depollution & dismantling (authorised treatment) facility. There are two exemptions registered for the site, T9 – Recovering Scrap Metal (WME090194) and S2 Storing waste in a secure place (WME091597).

The purpose of the inspection was to assess compliance with areas of the operation that were assessed as non-compliant in previous CAR NRW0042511.

Outstanding Actions from CAR NRW0042511

1) Store all waste as required by permit conditions.

Abertawe Metal Recycling responded to this action stating that *all ELVs will be removed from permeable surfaces by 29 September 2023.*

During the site inspection on the 2 February 2024, vehicles were being stored on permeable ground. James Larnar informed NRW that the vehicles were collected and stored on behalf of Swansea Council.

Action: Please provide the documentation to show each vehicle that is stored on permeable ground is being stored on behalf of Swansea Council.

2) Maintain the drainage system and provide a copy of the hazardous waste consignment note produced from maintenance of the oil interceptor.

Abertawe Metal Recycling responded to this action stating that *liquids within interceptors*

will be removed and documentation showing its removal will be sent by 2 October 2023. Drainage will be reviewed and Abertawe will install additional drainage to interceptor where water is pooling and repair concrete by 1 November 2023.

Pooling surface water contaminated with oil was again noted on site during the inspection of the 2 February 2024. NRW did not receive any documentation produced from the maintenance of the oil interceptor. The concrete is in poor condition and in need of repair. This is a risk of pollution to ground and to groundwater.



photo 1 - pooling of water on site



photo 2 pooling of contaminated water



Photo 3 badly damaged concrete

Abertawe Metal Recycling has not provided a copy of the trade waste agreement with Welsh Water to discharge effluent into the foul sewer.

Your permit requires that scrap metal must be stored on a sealed drainage system.

A sealed drainage system means a drainage system with impermeable components which does not leak and which will ensure that:

- a. No liquid will run off the surface otherwise via the system;
- b. Except where they may be lawfully discharged to foul sewer, all liquids entering the system are collected in a sealed sump.

Failure to demonstrate that you have a discharge consent from Welsh Water would mean you do not have a lawful discharge to foul, neither does the site benefit from a sealed sump.

Your site therefore does not have a sealed drainage system that is required to operate under your permit.

(B3) Site Drainage and Engineering (clean and foul)

This is a Category 2 breach of condition 2.3.1 Table 2.3 (6) – all other wastes shall be stored on an impermeable surface with sealed drainage system

Action: Provide a sealed drainage system for the site. NRW will be serving a notice to complete this action.

3) Submit all outstanding waste returns

Abertawe Metal Recycling responded to this action stating that *returns will be submitted to*

NRW by 29 September 2023

Waste returns has been submitted for 2022 and January – March 2023, April – June 2023.

Waste returns for 2020, 2021 and July – December 2023 is still outstanding.

G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales

This is a category 4 breach of condition 4.2.2 *Within one month at the end of each year the operator shall submit to Natural Resources Wales 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.*

Action: Provide all the outstanding waste returns.

4) Review, update and provide a copy of the Environmental Management System (EMS) and Fire Prevention and Mitigation Plan (FPMP) to NRW

Abertawe Metal Recycling responded to this action by stating that *the EMS and FPMP will be updated by 1 December 2023. And on 30 January 2024 Abertawe Metal Recycling gave an update stating: EMS and FPMP are draft form, awaiting the updated site layout drawing, which will include: updated plans will be provided for on site drainage. Updated plans will be provided for site storage which has changed since the EMS was produced*

NRW has not received the updated EMS.

C2 Management system and operating procedures.

This is a category 3 breach of condition 1.1.2 – the operator shall manage and operate the activities:

- a. In accordance with a written management system that identifies and minimised risks of pollution, including those arising from operations, maintenance, accident, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints;
- b. Using sufficient competent persons and resources

Condition 1.1.2 states: Records demonstrating compliance with rule 1.1.1 shall be maintained.

Action: Provide NRW with an updated copy of the EMS. NRW will be serving a notice to complete this action

NRW has not received the FPMP.

Category 3 breach of condition 3.4.1 – the operator shall manage and operate the activities in accordance with a written Fire Preventions Plan using the current, relevant fire prevention plan guidance.

Action: Provide a copy of the FPMP. NRW will be serving a notice to complete this action.

5) Provide details of the technically competent manager (TCM) for the site

Abertawe Metal Recycling responded to this action by stating: *James has undertaken WAMITAB requalification.*

Abertawe Metal Recycling a failed to provide a copy of the continuing competence certificate for James Larner despite NRW requesting this document.

C2 General management – staff competency and training

This is a category 2 breach of condition 1.1.1 b

Action: Please provide details of the TCM for the site

6) Stop accepting WEEE and textiles. Remove all noncompliant waste from site and provide waste transfer notes showing its removal.

Abertawe Metal Recycling responded to the action by stating: *Application for a permit variation to include WEEE. Permit submission by 1 December 2023. WEEE management, processing storage to be included within the EMS revisions. All textiles will be removed which are currently on permeable surface*

A waste exemption for storing waste in a secure place (S2 WME091597) has been registered. Please ensure that the storage of WEEE and textiles is complaint with the terms and conditions of the exemption. NRW may serve a notice for the waste transfer notes relating to these wastes.

Other observations noted during the inspection on 2 February 2024

C4 Storage handling, labelling and segregation

It was also noted during the inspection on 2 February 2024 that batteries were being stored outside. Although most had been covered in plastic this was inadequate and did not prevent rain entering the battery containers. One container had 5 inches of liquid inside it.

This is a Category 3 breach of condition 2.3.1. Table 2.3 (3) which states:

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

Action: Please provide a suitable cover for the batteries or store them within the building.



photo 4 batteries being stored outside with no lid



photo 5 liquid pooling at the bottom of the battery container

End of Report

Any compliance criteria not highlighted in the above summary should be considered as not assessed.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012.

You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.

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.