

## Compliance Assessment Report CAR\_NRW0044036

**Permit being assessed:** BB3299FN.

**For:** SL Recycling Ltd, **held by:** SL Recycling Ltd

**At:** Unit 1, Pontyfelin Industrial Estate, New Inn, Pontypool, Torfaen, NP4 0DQ.

**Type of assessment:** Site Inspection,

**Reason:** Incident Response (Incident number 2404895).

**On:** 12/04/2024 between 12:00 and 16:00.

**Parts of permit assessed:** A.

**NRW Lead Officer:** David Griffiths, accompanied by Ian Johns (TESTing).

**Report sent to:** Becky Tucker , Technically competent manager , on 16/04/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W2A - Waste - Operations - Permitted activities	Action only (X)	
W2C - Waste - Operations - Operating techniques	Action only (X)	
W3D - Waste - Emissions and monitoring - Noise and vibration	Action only (X)	
W3C - Waste - Emissions and monitoring - Odour	Assessed (A)	
W2D - Waste - Operations - The site	Assessed (A)	

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

Total 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?

Criteria	Action needed	Complete by
W2A	SL Recycling to undertake commissioning of pre-shredder and notify NRW when this has been completed. This is	01/06/2024

Criteria	Action needed	Complete by
	currently scheduled for early May 2024. Should anything change with regards to this time line, NRW should be notified.	
W2C	SL Recycling to commission electrification of mill in August 2024 and notify NRW when this has been completed. Any changes to this date should be communicated to NRW for our records.	02/09/2024
W3D	SL Recycling to engage with the local MS and proceed with implementing a Community Liaison Group. Progress updates to be provided to NRW.	01/07/2024

Compliance 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.

**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 Compliance Assessment Report (CAR) has been completed following a pre-arranged site visit undertaken on the 12<sup>th</sup> of April 2024 at SL Recycling Ltd, Pontypool for waste activities operated under Permit Number **EPR-BB3299FN**.

#### **Present**

- **Stacey LEWIS (SL)** – Director/Owner of SL Recycling Ltd
- **Becky TUCKER (BT)** – Site Manager/TCM SL Recycling Ltd
- **David GRIFFITHS (DG)** – Team Leader, Southeast Waste Regulation Team, Natural Resources Wales
- **Ian JONES (IJ)** – Head Fisheries Enforcement Officer, Natural Resources Wales

The main purpose of the inspection visit was to discuss the recent complaints received by Natural Resources Wales (NRW) and deflagration (explosion) events. At the time of the inspection, NRW had received 60 reports, following what was believed to be deflagration events, taking place on the 5<sup>th</sup> and 11<sup>th</sup> April 2024 respectively.

#### **Reported Deflagration/Explosion – 5<sup>th</sup> April 2024**

BT confirmed that a deflagration event did take place on the 5<sup>th</sup> April 2024 at approximately 10:44am. The cause of this event was believed to be as a result of a gas bottle concealed within a crushed vehicle, entering the hopper. The blast was confined to the shaft of the shredder and no injuries nor harm to machinery or

infrastructure were reported.

BT and SL confirmed that no further crushed vehicles will be accepted onto site until the new, electric pre-shredder is installed and commissioned. The equipment is already on site and was in the process of being fitted, with commissioning planned for early May 2024. (See photograph 1 below)



(Photograph 1 – Pre-shredder installation taking place)

SL also confirmed that the main mill will be switched over to electric with commissioning due to take place in August 2024. It is hoped that this will reduce background noise levels in addition to having a positive impact on local air quality with the elimination of diesel fumes.

Furthermore, SL Recycling have implemented a £250 fine to all customers who conceal or deliver to site, any non-conforming waste. Failure to comply with this new procedure will result in SL rejecting all waste from these customers.

#### **Deflagration/Explosion – 11<sup>th</sup> April 2024**

NRW also received numerous complaints alleging a further deflagration/explosion on the 11<sup>th</sup> of April 2024. Upon receipt of the reports, BT contacted NRW immediately and discussed via telephone with DG. During this phone call, BT confirmed attendance on site at the time of the alleged explosion and refutes the complaints received as being malicious and false.

#### **Forward look – Complaints and incident management**

Complaints and incident management was discussed at length whilst on site and it was acknowledged that procedures need to be put in place to help NRW manage reports that may be false or malicious. DG explained that NRW have a duty to investigate all complaints received and will be considered valid reports until proven otherwise.

SL agreed to commission and install CCTV on the mill and the new pre-shredder as soon as possible. This will

provide NRW with sufficient evidence to substantiate or unsubstantiate any complaints received and filter out any false reports.

**ACTION – SL Recycling to install CCTV on the mill and pre-shredder as soon as possible and provide NRW with confirmation when this has been completed.**

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### **Community Engagement**

The importance of having open and transparent communications with the local community was discussed. DG gave examples of how other installations receiving similar types and volumes of complaints managed this. After considering their options with DG it was felt that a Community Liaison Group should be considered where SL Recycling, local residents and community representatives are able to discuss their concerns with the regulator (NRW) and the Local Authority (Torfaen CBC).

In order to initiate this process, BT agreed to contact the local MS politician to engage and to establish this group as soon as possible. This approach is supported by NRW as it aligns with similar installations that generate significant volumes of complaints.

NRW acknowledged that organising such a meeting can take a considerable amount of time, a task that Alex TENNANT (NRW waste regulator for SL Recycling) had previously initiated and is happy to facilitate once again.

**ACTION – BT to proceed with the creation of this group and keep NRW updated with progress reports.**

### **Natural Resources Wales – Powers of Entry**

Powers of Entry were discussed. DG confirmed to BT and SL that as part of our role, NRW can access site using our Powers of Entry in order to undertake an inspection at any time, without pre-arranging. SL confirmed that NRW and residents are welcome on site at any time.

### **Noise Management Plan**

With regards to the recent Noise Management Plan, BT confirmed that their consultant Gareth Danter-Hill is still in consultation with Torfaen CBC on this matter. NRW will be providing a detailed response to this report from a permit compliance perspective only, not planning. The review of this report is undertaken by a specialist team within NRW.

**ACTION – NRW to provide a response to the Noise Management Plan.**

### **Site Inspection**

Following extensive office-based discussions, a site inspection was undertaken with BT and SL.

During the inspection normal odours were witnessed outside the installation boundary. In addition to this, no elevated noises were experienced that would be considered outside of the normal range of what would be expected at a similar site.

The quarantine area was inspected where several gas bottles were being stored having been removed and

segregated from incoming waste (See photographs 2 and 3 below). SL Recycling also demonstrated the pre-acceptance checks that are undertaken before waste enters the mill.



Photograph 2



Photograph 3

Non-conforming waste and gas bottle quarantine

Condition 3.5.1 of your Environmental Permit states;

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

This guidance specifies a maximum stack height of 4 metres.

Whilst on site, it was pleasing to see that waste scrap metal stockpiles were within these permitted limits (See photograph 4 below) as well as extra pre-checks being undertaken before waste entered the mill to remove non-conforming wastes.



Photograph 4 – Waste stockpiles on site at the time of the inspection

#### Summary of Actions

Action 1	SL Recycling to undertake commissioning of pre-shredder and notify NRW when this has been completed. This is currently scheduled for early May 2024. Should anything change with regards to this time line, NRW should be notified.
Action 2	SL Recycling to commission electrification of mill in August 2024 and notify NRW when this has been completed. Any changes to this date should be communicated to NRW for our records.
Action 3	SL Recycling to engage with the local MS and proceed with implementing a Community Liaison Group. Progress updates to be provided to NRW.
Action 4	NRW to update SL Recycling on status of Noise Management Plan review (Permit Compliance)

If you have any issues with this compliance audit report, please contact Officer Alex Tennant [Alexandratennant@cyfoethnaturiolcymru.gov.uk](mailto:Alexandratennant@cyfoethnaturiolcymru.gov.uk)

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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.

### **If your assessment result in Section 1 is suspended, what does this mean?**

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 Waste compliance criteria (used in section 1 and 2):**

#### **1. Management**

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

#### **2. Operations**

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

#### **3. Emission and Monitoring**

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

#### **4. Information**

- W4A – Records
- W4B – Reporting
- W4C – Notification

### **Enforcement response**

Any non-compliance with a permit condition 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 twenty 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 to 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto: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](mailto: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.