

Compliance Assessment Report

Report ID:
CAR_NRW0035810

This form will report compliance with your permit as determined by an NRW officer

Site	E P S Scrap Export Facility	Permit Ref	JB3135RA			
Operator/Permit holder	EPS Materials Recovery Ltd					
Regime	Waste Operations					
Date of assessment	09/10/2019	Time in	09:15	Out	10:15	
Assessment type	Audit					
Parts of the permit assessed	Drainage					
Lead officer's name	Wakeford, Sally					
Accompanied by	Edwards, Michael					
Recipient's name/position	Adrian Stewart, Andy Evans/ Director, Site Manager	Date issued	11/10/2019			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
B3 - Infrastructure - Site drainage engineering (clean and foul)	C2	2.1.1

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	31
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

A site inspection was undertaken on 09 October 2019 at 9.15am by Sally Wakeford and Michael Edwards. Officers were accompanied on site by Andy Evans (EPS) and Ben Rees (Geotechnology).

The purpose of the site inspection was to discuss drainage on site. In 2016 the site was subject to a notice to comply with the drainage conditions within the standard rules permit, following non-compliance with the notice the permit was varied to allow a sealed drainage system from uncontaminated scrap metal to discharge to surface water, with the construction of a drainage system including interceptor. Since the permit was varied in 2016 there have been no changes to the drainage on site. EPS provided a timeline of works which were to start in September 2019. To date no drainage works have begun.

Following the variation of the permit until the end of August 2019 plans provided to NRW were to create a drainage channel around the edge of the site to drain runoff from the whole storage area through interceptors, with works proposed to start in September 2019. At the end of August 2019 EPS proposed changes to the drainage layout, leaving the majority of the site as it was with no sealed system from the impermeable surface.

During the site inspection we discussed the layout of the site referring back to the drainage block plan 10934-000-D from 22/01/2016. We discussed how the southern asphalt surfaced part of the site was hard standing and does not require a drainage system. However, the northern part of the yard (dock side) is concrete and concrete covered asphalt which drains towards the dock. This is an impermeable surface and therefore is required to have a sealed drainage system under permit condition 2.1.1 and schedule 1 Table S1.1 which states "uncontaminated ferrous metal wastes or alloys and uncontaminated non-ferrous metal wastes may be stored on either a hard standing or an impermeable surface with sealed drainage system to surface water."

As ferrous metal is stored on impermeable surfaces which do not benefit from a sealed drainage system this breach has been scored as a category 2 breach of condition 2.1.1.



ACTION: Provide NRW with a timeframe in which you will complete the works by 18

October 2019.

On provision of an agreed date, NRW will look to serve an Enforcement Notice under Regulation 36 of Environmental Permitting (England and Wales) 2016 on EPS MR Ltd to specify steps in relation to the breach of permit condition.

Thank you for taking the time to accompany me around the site.

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.

EPR Compliance Assessment Report

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Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
B3	C2	Agree date for notice for improved drainage on site or cease to store waste on impermeable pavement with no sealed drainage system.	18/10/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.