

## Compliance Assessment Report

Report ID:  
CAR\_NRW0035953

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

Site	Abertawe Metals Ltd Transfer Station	Permit Ref	HB3490HK			
Operator/Permit holder	Abertawe Metal Recycling Limited					
Regime	Waste Operations					
Date of assessment	04/11/2019	Time in	10:00	Out	10:40	
Assessment type	Audit					
Parts of the permit assessed	Operational area					
Lead officer's name	Wakeford, Sally					
Accompanied by	Edwards, Michael					
Recipient's name/position	James Larnier/ TCM	Date issued	14/11/2019			

### 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
A1 - Specified by permit	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	2.3.1
C2 - General Management - Management system and operating procedures	C3	1.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.2.2

**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	3	Total compliance score (see section 5 for scoring scheme)	12
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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

An unannounced site inspection was undertaken by Sally Wakeford and Michael Edwards on 04 November 2019. We were accompanied on site by James Larner.

### **B3 – Infrastructure – Site Drainage engineering (clean and foul) – Permit condition 2.3.1** **Table 2.3 – CAT 3 Breach**

You have been given a CAT 3 breach against the above condition as you were storing non-depolluted vehicles on an area of hardstanding.

Permit condition 2.3.1 table 2.3 states:

*Fully depolluted end-of-life vehicles, uncontaminated plastic and glass arising from the treatment of end-of-life vehicles, uncontaminated ferrous metal wastes or alloys and uncontaminated non-ferrous metal wastes shall be stored on hard standing or an impermeable surface with sealed drainage system. All other wastes shall be stored on an impermeable surface with sealed drainage system.*

Therefore, fully depolluted vehicles may be stored on the hardstanding area. These vehicles had not been fully depolluted.

**ACTION: Ensure only uncontaminated metals and fully depolluted vehicles are stored on the hardstanding area.**



### **C2 – General Management – Management System and operating procedures – Permit condition 1.1.1 – CAT 3 breach**

You have been given a CAT 3 breach against the above condition as there is an issue of pooling water on site, the reason being poor management of the drainage system, resulting in a backlog and flooded site. The EMS we currently have for the site is the draft version from January 2018.

We are yet to receive the updated EMS.

1.1.1 states:

*The operator shall manage and operate the activities:*

*(a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints;*

Within your EMS it states the drainage interceptors are maintained on by annual contract with Siddell Environmental Services. As there is a large amount of pooling prior to the yearly maintenance, you should consider cleaning them on an as needed basis.

It is noted that LG Murphy have been contracted to undertake maintenance on the impermeable pavement around Christmas time to maintain the concrete in the main yard area, possibly including new drains in the main yard, and also to level the concrete by the newly blocked drain.

**ACTION: Ensure drainage systems are maintained effectively.**

**ACTION: Submit updated EMS.**



#### **G4 – Monitoring and Records, Maintenance and Reporting – Reporting and notification to Natural Resources Wales – Permit condition 4.2.2**

You have been given a CAT 3 breach of the above permit condition that you did not submit annual waste returns for 2018.

Permit condition 4.2.2 states:

Within one month of 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.

Although waste returns were submitted for Q1 and Q2 for 2018, when your permit, following variation, required you to submit annual waste returns, no returns have been submitted for 2018. These should have been submitted by the end of January 2019.

**ACTION: Provide waste returns for the remainder of 2018.**

**Other observations:**

We discussed the use of tyre bales in construction. For use in construction, and for use under a U2 exemption, bales need to be made to the PAS108 standard.

U2 guidance can be found here: <https://www.gov.uk/guidance/waste-exemption-u2-use-of-baled-end-of-life-tyres-in-construction>

PAS108 Guidance can be found here: <http://www.wrap.org.uk/content/pas-108-specification-production-tyre-bales-use-construction>

The PAS108 Guidance also contains the information required to accompany the bales:

“A legible, durable and weatherproof label shall be attached securely to each tyre bale immediately after manufacture. This shall contain the following minimum information:

- The bale reference number;
- The name of the manufacturer;
- The date of manufacture (DD/MM/YY);
- The acronym of the type of bale (see Table 1) with a statement of the length of any reduced length bale;
- The approximate depth of the bale;
- A statement that the bale shall not be lifted by the tie wires;
- A statement that the bale has been manufactured in accordance with this PAS.

It is advisable to download your own copy of this PAS from the wrap website to ensure the bales reach standard of PAS 108 or they cannot be used in construction.

You currently have a large number of bales on site, and although these were not counted during the inspection, it is likely that this has breached the limit of 25 tonnes of tyres on site.

If bales are assumed to be a typical 700-750kg, in accordance to the PAS108 guidance, this would equate to approximately 33-36 bales of tyres on site.

**ACTION: Ensure you only hold a maximum of 25 tonnes of tyres on site.**





Thank you for taking the time to accompany us on 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 1<sup>st</sup> 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

**Report ID:  
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**This form will report compliance with your permit as determined by an NRW officer**

Site	Abertawe Metals Ltd Transfer Station	Permit Ref	HB3490HK
Operator/Permit holder	Abertawe Metal Recycling Limited	Date	04/11/2019

### 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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

### 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			
G4	C3	Provide waste returns for the remainder of 2018	28/11/2019
C2	C3	Ensure drainage systems are maintained effectively. Submit updated EMS.	03/02/2020
B3	C3	Ensure only uncontaminated metals and fully depolluted vehicles are stored on the hardstanding area.	29/11/2019

## 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](mailto: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.