

Compliance Assessment Report

Report ID:
CAR_NRW0035630

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

Site	European Metal Recycling Ltd	Permit Ref	FP3094VP			
Operator/Permit holder	European Metal Recycling Ltd					
Regime	Waste Operations					
Date of assessment	13/08/2019	Time in	14:30	Out	15:15	
Assessment type	Site Inspection					
Parts of the permit assessed	All					
Lead officer's name	Bowder, Alex					
Accompanied by						
Recipient's name/position	Nicola Rushton, Daniel Latne, Martin Crossman / Environmental Coordinator, Site Manager. TCM	Date issued	11/12/2019			

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	
B1 - Infrastructure - Engineering for prevention and control of emissions	C3	Table 2.3 Operating Techniques
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	A	
B5 - Infrastructure - Plant and equipment	A	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	X	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
D2 - Incident Management - Accidents, emergency and incident planning	C3	3.4
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	A	

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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

Officer Alex BOWDER attended European Metal Recycling Limited (EMR), Dowlais Wharf at 14:30 on Tuesday 13th August 2019 to carry out an introductory inspection of permit **EPR-FP3094VP**. Met with business representatives Nicola Rushton and Daniel Latner who showed the Officer around the permitted area and explained the operational procedures on site. The weather conditions were warm and dry at the time of visit.

To remind the business following each visit, Natural Resources Wales will produce a Compliance Assessment Report (CAR) detailing our comments from the inspection. If we substantiate reasonably foreseeable risks or actual impact to the environment, we can breach the business against your permit conditions which can affect your site banding and annual subsistence fees; this is scored on a Category 1 - 4 basis:

- 1** - Major, serious persistent and/or extensive impact on the environment/people/property
- 2** – Significant impact on effect on the environment/people/property
- 3** – Minor impact or effect on the environment/people/property
- 4** – A non-compliance which has no potential environmental effect

PREVIOUS CAR FORM ISSUES

- Expired WAMITAB qualification
- Damaged infrastructure in need of repair
- Excessive Stockpile height
- Exceeding permitted annual throughput (75,000 tonnes per annum)
- WEEE storage under an exemption
- Submission of Waste Returns documents

GENERAL OBSERVATIONS

EMR have two Standard Rules Permits under one permit number **EPR/FP3094VP**:

- SR2009No7 for the storage of furnace ready scrap metal for recovery and
- SR2008No21 for a metal recycling site.

The Environmental Permit **EPR/ZP3795FD** was issued as a Waste Management Licence (30322) on 14 November 2005 under an End-of-life Vehicle Authorised Treatment Facility (ATF). The Environmental Permit **EPR/FP3094VP** was issued on 26th February 2010 and authorises the same area for the storage of furnace ready scrap under a set of Standard Rules. This permit was varied on 01 December 2011 to add a further set of standard rules for metal recycling.

A separate CAR Form will be completed for the ELV permit.

Technically Competent Manager (TCM)

The designated TCM for the site is Mr. Martin Crossman. The site has supplied NRW with the valid WAMITAB certificate that states the modules completed - Metal Recycling Sites and End of Life Vehicles. This qualification has an expiry date of 12/01/2020 - please ensure a continuing competency is completed when this date is up.

ENVIRONMENT MANAGEMENT SYSTEM (EMS)

It has been stated that the business' EMS comprises a number of documents and systems. This document should outline how you are going to run the site and comply with your permit conditions. It should be tailored to your permit and ideally be a separate document from general operational procedure notes, for instance.

NRW aim to focus on this next inspection.

PERMIT NON-COMPLIANCES

CATEGORY 3 BREACH

B1 - INFRASTRUCTURE - ENGINEERING FOR PREVENTION AND CONTROL OF EMISSIONS

Table 2.3 Operating
techniques

*"All wastes shall be stored on
an impermeable surface with
sealed drainage system"*

INFRASTRUCTURE

At the time of inspection there were various concrete flooring patches that were exposed and covered with metal sheeting; as per image 1. Although wear and tear of the yard surface is expected due to heavy plant machinery, it is important to repair weakened or damaged areas as soon as possible to ensure the surface is impermeable and all run-off captured by the drainage system.

This issue was raised on the last inspection with limited action being taken since. This has scored a Category 3 breach as a result.

ACTION

Repair all weakened areas of flooring in the yard to restore its impermeable status.

DEADLINE:
29 November 2019



Image 1 – showing weakened infrastructure in need of repair, covered with metal sheets for plant on site – taken on 13/08/19

CATEGORY 3 BREACH - PERMIT CONDITION 3.4

(D2) INCIDENT MANAGEMENT - ACCIDENTS, EMERGENCY AND INCIDENT PLANNING

"The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance."

STORAGE DIMENSIONS AND SEPARATION DISTANCES - See below for justification.

ACTION:

- Supply NRW with justification for storing waste stockpiles higher more than 4 metres.
- Increase the separation distances so that they comply with your FPMP guidance.

Deadline:

29 November 2019

FIRE PREVENTION AND MITIGATION PLAN (FPMP)

The site has submitted the most current version (June 2019) of its FPMP to NRW. The business has actioned the requests from the CAR Form **CAR_NRW0033912** to create a Site Plan for waste storage - including separation distances and pile sizes (length, width and height). **We intend to complete a separate assessment of your FPMP which will be evaluated in due course.**

STORAGE HEIGHTS

At the time of inspection there were various stockpiles of metal material being stored at heights estimated to be exceeding 4 four metres. The business has stated that these waste streams were classified as '**non-combustible materials**' and therefore, shouldn't be limited with the 4-metre height restriction that is set out in the FPMP guidance.

The FPMP guidance applies to all combustible materials including (but not limited to):

- Paper or cardboard, plastics, rubber (natural or synthetic, including whole tyres, baled tyres, tyre shred, crumb and fibre), wood and wood composites, fragmentiser waste (from processing end of life vehicles, plastics and metal wastes from materials recovery facilities), rags and textiles.

There may be other wastes that an operator will have to consider which may be mixtures of the above specified wastes or where specific properties of the waste stream present a combustible risk:

- Scrap metals, waste fuels – including residual combustible waste, RDF and SRF, waste electrical and electronic equipment such as fridges, computers and televisions containing combustible materials such as plastic, compost and plant material and biomass.

The Officer detailed to the site, that the FPMP guidance sets the maximum storage height of stockpiled waste to **four metres**. This height specification was determined by the Fire and Rescue Service (FRS) for general good management practise and stability to enable the FRS to tackle a fire on site, if an incident were to occur.

The Combustible Materials Table 2 in your FPMP, states that ferrous metal including depolluted ELV's can be stored at heights above 4 metres. Non-combustible materials are not exempt from normal fire procedures. There have historically been fire incidents at metal recycling sites across the country and so suitable measures must be put in place to mitigate any risk. Materials of this nature can still catch fire due to residual flammable liquid that may be present on the waste.

If the business wishes to deviate from the FPMP guidance, you must provide adequate justification that must be confirmed by the Fire and Rescue Service (FRS). Regardless of material type, the business must demonstrate to NRW through your fire mitigation procedures and additional monitoring, as to why you intend on storing stockpiles higher than 4 metres.

Staff also raised the issue that the storage waste exemptions state, that material can be kept at a height higher than four metres. Where there is permit and an exemption registered at the same location for similar waste activities, the permit takes precedence.

SEPARATION DISTANCES

The storage distances between neighbouring stockpiles seemed limited at the time of inspection. Again, due to the site classifying stockpiles as containing solely non-combustible material, it was assumed that they can be afforded with smaller separation distances.

On last inspection, some material was being stored near stockpiles that contained some combustible material. Page 3 of your FPMP states *“that there will be a minimum separation distance of **5 metres** between stockpiles of combustible wastes material, between combustible materials and flammable substances and between combustible or flammable materials and parked mobile plant unless a firewall separates the two or more types of scrap/waste material.”*

It also states that: *“there may be periods whereby the separation distance may decrease temporarily for short periods of time.”*

This insinuates that the site intends to comprise the separating distances. The site should be able to manage its waste volumes on site whilst ensuring that piles are compliant with the distances. If this is not possible, it implies that there is too much material on site and so the business must review its waste management strategy to limit its volume acceptance to ensure compliance with your permit conditions.

STORAGE TIMES

It was stated that a log is kept for each pile in the yard. The business should have strict procedures in place to track how long material is being stored on site. *Table 2 Combustible Materials: Maximum Quantity and Duration Limits* states, that all waste types all stockpiles have a maximum storage time of three months - aside from tyres which is five months.

The site mentioned that it possesses terminology thermal cameras to assist with heat detection. This assists with managing fire risk on site.

QUARANTINE AREA

The allocated area in the yard seemed suitable to hold 50% of the largest stockpile at the time of inspection. It is said that this can be dynamic depending on where stockpiles are stored. Please ensure this area is clearly marked on your Site Map and that staff are aware of its location at all times.



Image 2 – showing non-combustible material stored in excess of 4 metres in height



Image 3 – showing metal material stored in excess of 4 metres in height



Image 4 – showing baled metal material stored in piles in excess of 4 metres in height

DRAINAGE SYSTEM

The Officer raised concerns about preventing surface water run-off from entering the dock water in times of heavy rainfall. There is currently no bund to prevent excess surface water (that could be potentially contaminated) from flowing into the dock. The site has stated that the gradient of the yard slopes towards the centre, where it would be captured by the drainage system.

There are three interceptors that complete the drainage system for the yard. One drain acts as a silt trap, before flowing to an interceptor to capture the other contaminants. It was stated that the interceptors are maintained annually and are cleaned out on an ad hoc basis, if any interim blockages issues arise. There were no issues apparent with the system at the time of inspection.

WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE)

The site has a registered exemption for the WEEE activities on site. There was no treatment of WEEE at the time of inspection. Materials, such as Large Domestic Appliances (LDA), are stored here and bulked up before being exported.

The Officer was shown the gas cutter at the rear of the site is where parts that are too large for shearing are treated.

WASTE RETURNS

There was an issue of the business exceeding its permitted annual throughput of 75,000 tonnes

per annum. The business would be required to vary to a bespoke permit to allow for higher tonnages in future. EMR were asked to clarify their waste acceptance tonnages on the last inspection; please can the business action this.

Please ensure all returns are submitted within the allocated grace period in future:

Yearly returns:

ANNUAL RETURN PERIOD	DEADLINE FOR RETURN
- January 1 to December 31	- January 31 of the following year

More information can be found on our website:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/new-wales-operator-waste-return-and-deadlines-for-returns/?lang=en>

I look forward to working with the site in future.

If you have any issues with this report, please contact Alex Bowder on 0300 065 3394 or alex.bowder@naturalresourceswales.gov.uk

Thank you.

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

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035630**

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

Site	European Metal Recycling Ltd	Permit Ref	FP3094VP
Operator/Permit holder	European Metal Recycling Ltd	Date	13/08/2019

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.

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			
D2	C3	Supply NRW with justification for storing waste stockpiles higher more than 4 metres. Increase the separation distances so that they comply with your FPMP guidance.	29/11/2019
C2	X	Condense Management System from a comprehensive operational document to an environmentally-based plan, that focuses on the activities that are regulated by the permit.	29/11/2019
B1	C3	Repair all weakened areas of flooring in the yard to restore its impermeable status.	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. 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.