

Compliance Assessment Report

Report ID:
CAR_NRW0036332

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	11/02/2020	Time in	10:00	Out	10:30
Assessment type	Audit				
Parts of the permit assessed	Permit boundary				
Lead officer's name	Wakeford, Sally				
Accompanied by	Lloyd, Cathy				
Recipient's name/position	Adrian Stewart/Andy Evans/ Director/Manager	Date issued	17/02/2020		

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	C3	2.2.1

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)	4
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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

On 11 February 2020 a site inspection was conducted by Sally Wakeford and Cathy Lloyd. There was no one on site to accompany us for an inspection. A perimeter walk of the site was conducted to assess compliance with the permit boundary.

The bunds around the site were discussed during the inspection on 23 March 2019 (**CAR_NRW0034963**). The following was stated in relation to the bunds:

Whilst on site it was noted that there are several piles of waste which have the appearance of soil but contains metals and other contaminations. This is a waste which is produced during the treatment of the ferrous metals. According to

Andy this waste still has commercial value and they are awaiting the plant to become re-operational and will be screened (eddy currents and magnets) before being deemed a residual waste and leaving site to be disposed of appropriately.

Andy confirmed that the waste was being banked up as a temporary measure for the security of the site.

This waste MUST NOT be stored on site indefinitely and cannot be used to make a permanent banded structure for security – even once all processes are completed. It is a waste, it will remain a waste and must be disposed of correctly.

According to permit condition the ferrous waste on site can be stored for no longer than 3 years. Wastes must be stored separately. Please ensure that this waste is treated in a timely manner and is removed from site accordingly.

As stated on site, it can be stored in this manner as long as it remains within the permit boundary and within permit conditions.

The following information collected during the visit on 11 February 2020 shows that waste is being stored outside of the permit boundary.

Photographs were taken at a variety of locations along the roadway. The waste, which has the appearance of soil and the same waste which was discussed with Andy on 23 March 2019, was aligning the road alongside the site, or within approximately 1m of the road in other areas. The waste was within the green hedge bank abutting the road.

Photographs below show the area to the rear of the site where there is no longer any hedging or green area left and is entirely waste material. This section is marked as section 1 on the following plan of the permit boundary overlaid on a Google Earth map from June 2018.



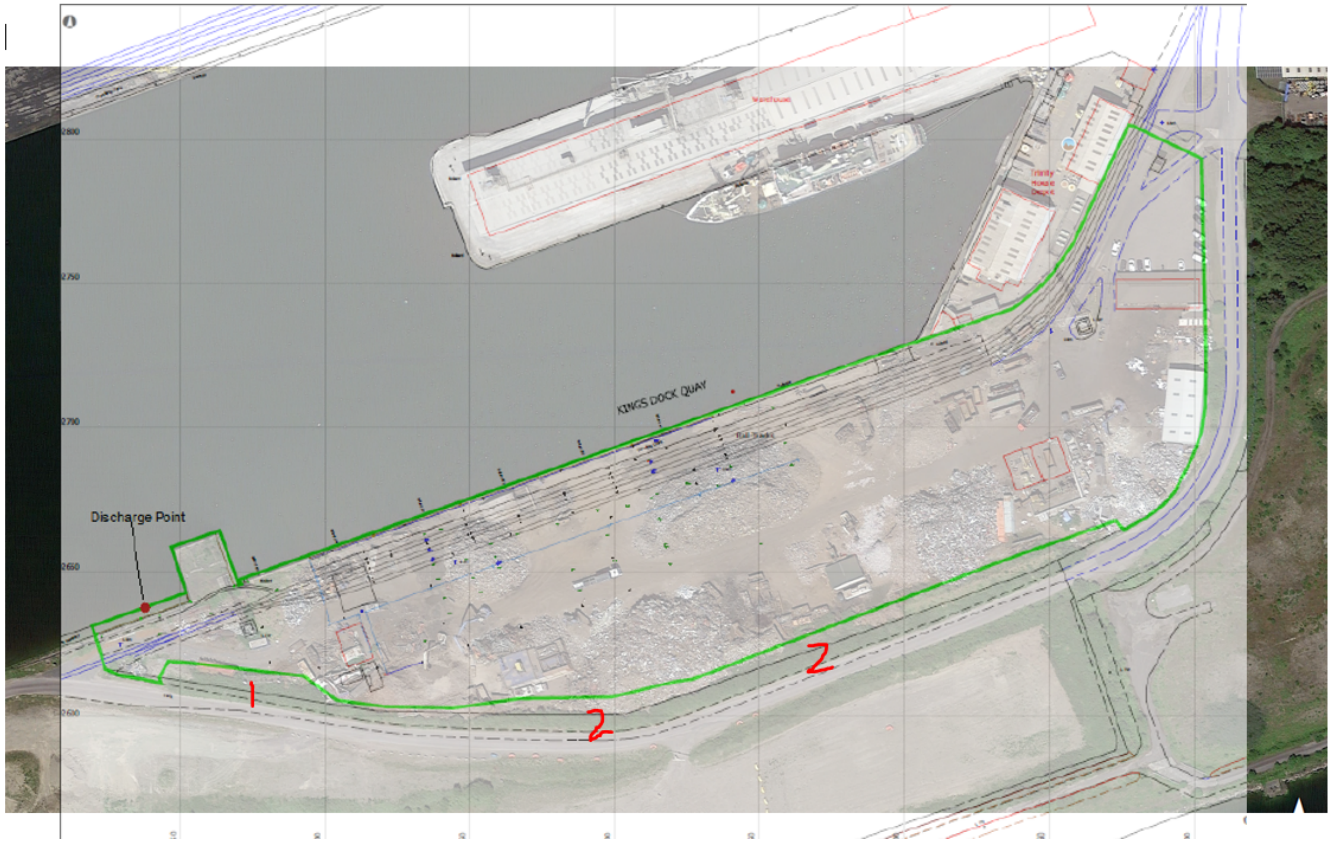


Further up the road towards the entrance of the site, the waste was seen to be within the green hedging area as shown in photographs below. These areas are marked as 2 on the following plan.





Permit Overlay on 2018 Google Earth Image:



A1 – Specified by Permit – CAT 3 breach – Permit condition 2.2.1.

You have been given a CAT 3 breach of the above permit condition as during the inspection it was noted that bunds have been built using a waste, outside of the permit boundary and within the hedgerows. Waste should be stored within permit boundaries.

Permit condition 2.2.1 – The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 7 to this permit.

ACTION: Ensure waste is stored in line with permit conditions by 30 September 2020.

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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Site	E P S Scrap Export Facility	Permit Ref	JB3135RA
Operator/Permit holder	EPS Materials Recovery Ltd	Date	11/02/2020

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			
A1	C3	Ensure activities occur inside permit boundary - remove waste from outside permit boundary	30/09/2020

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.