

Compliance Assessment Report

Report ID:
CAR_NRW0036408

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

Site	Rees Metals	Permit Ref	LP3098FJ			
Operator/Permit holder	Rees Metals Ltd					
Regime	Waste Operations					
Date of assessment	27/02/2020	Time in	10:30	Out	11:20	
Assessment type	Audit					
Parts of the permit assessed	See Below					
Lead officer's name	Ellar, David					
Accompanied by	Kinthead, James					
Recipient's name/position	Len Davies/ Permit holder	Date issued	06/03/2020			

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	1.2.1 and 1.2.2
B3 - Infrastructure - Site drainage engineering (clean and foul)	C2	2.1.1
C1 - General Management - Staff competency/training	C2	1.4

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)	66
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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

NRW Officers were accompanied around the site by Len and Shaun Davies. Although it was dry and fine, there had recently been significant and prolonged rainfall.

General:

The recent improvements to the hardstanding and tracks though the site had generally held up despite the recent wet weather. There was some pooling of water visible, but this was to be expected given the recent rainfall. The area leading up to and around the shears does need some attention though. The tracks should be cleared of waste and any build up of slurry should be removed.

Photograph showing good hardstanding:



Photograph showing hardstanding area in need of attention:



It was good to see that the areas of the site that had been cleared of waste (such as the area to the rear and West of the shed) remained clear. Significant quantities of older scrap had been removed from other areas of the site, but these areas now need to be cleared of the remaining waste to further organise operations at the site.

A metal plate 'working pad' had been installed near the shears, Shaun Davies said that it was working well and improved working practices at the site. Unfortunately, the pad was full of processed scrap during the visit, so we were unable to view it.

There was a large build up of processed scrap at the site. Len Davies explained it was due to market factors and the price of scrap being low. Whilst the quantities may be within the permitted limits (10,000 tonnes) the size of the piles are starting to affect the operation of the site e.g. starting to flow out onto the tracks through the site and covering the new pad that has been installed next to the shears.

Non compliances:

B3 (Engineering for the prevention and control of emissions) Category 2 Non - Compliance of permit condition 2.1.1. The site has a history of issues regarding the metal shears area. During this visit the area in and around the shears and its bund was full of scrap metal and rain water. This makes the bund unable to capture and retain any fluids that could potentially leak from the shears and given the age and condition of the equipment this is highly likely. This is a breach of condition 2.1.1 of your permit. Please clear (and keep clear) the bunded area pump out the water (removing it to a suitably authorised facility) and repair the bund as necessary. Table 2.1 of your permit details the need for daily inspection of the bund and keeping it free from contaminated water.

ACTION: Empty, inspect and improve inspection regime to insure bund is kept free from waste and rain water.

Photograph showing banded area under shears:



A1 (Specified by permit) – Category 3 non-compliance of permit conditions 1.2.1 and 1.2.2: Excluded and non-permitted waste types. Non-permitted and excluded waste types were identified during the visit. Whilst walking around the site we saw; gas cylinders, tyres and two End of life vehicles. These waste types are not allowed to be accepted at the site. Table 1.2.A of your permit states what permitted waste types are e.g ferrous and non-ferrous metals. Table 1.2.B of your permit states what the excluded or non-permitted waste types are. Len Davies explained that none of these waste had recently been brought onto the site and they had been uncovered whilst reducing the stock piles. All excluded and non-permitted waste must be removed from site as detailed in table 4.4 of the permit.

Action: Remove all excluded or non-permitted waste to quarantine area and then arrange removal off site as per permit conditions. (see table 4.4)

Photograph showing an unpermitted ELV:



C1 (Staff competency) – Category 2 non-compliance of permit conditions 1.4: Staff understanding of permit conditions. The breaches identified in this CAR have occurred several times before and been identified on previous CAR's. The breaches, specifically the bund issue detailed above could potentially have a significant environmental effect. Whilst the operators do strive to improve working practices at the site following our site visits more emphasis must be put on understanding and adhering to the requirements of the permit and the Environment Management System (EMS). Lack of understanding of these requirements is believed to be the root cause of the permit breaches identified. The suitability of the EMS will be a focus of future visits.

Action: Ensure all management and staff understand the requirements and conditions of the permit and EMS.

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.

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EPR Compliance Assessment Report

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Site	Rees Metals	Permit Ref	LP3098FJ
Operator/Permit holder	Rees Metals Ltd	Date	27/02/2020

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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	Remove all excluded or non-permitted waste to quarantine area and then arrange removal off site as per permit conditions.	31/03/2020
B3	C2	Empty, inspect and improve inspection regime to insure bund is kept free from waste and rain water.	31/03/2020
C1	C2	Ensure all management and staff understand the requirements and conditions of the permit and EMS.	31/05/2020

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.