

Compliance Assessment Report

Report ID:
CAR_NRW0034498

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

Site	Jay Metals	Permit Ref	FP3097EZ			
Operator/Permit holder	Julie Young					
Regime	Waste Operations					
Date of assessment	18/01/2019	Time in	13:00	Out	13:38	
Assessment type	Audit					
Parts of the permit assessed	Site					
Lead officer's name	Lloyd, Cathy					
Accompanied by						
Recipient's name/position	Julie Young/ Operator	Date issued	08/04/2019			

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
B4 - Infrastructure - Containment of stored materials	C3	2.3.1
C2 - General Management - Management system and operating procedures	C3	1.1.1

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	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

Julie and Tomos Young were present on site for the unannounced visit to assess compliance with environmental permit EPR/FP3097EZ.

During the site inspection it was noted that scrap metal and End of Life vehicles were being stored in the same area as previous inspections. This area drains to ground via an oil interceptor.

I have produced a summary of the history of the site as site drainage has been an issue for some time.

8 March 2010 you were issued a SR 2008 No20 which was for vehicle storage, depollution and dismantling (authorised treatment) facility.

Inspections carried out in in 2013 highlighted that scrap metal and WEEE were being accepted at the site and there was also a point source discharge to ground via an oil interceptor. These activities are not authorised under the SR2008No20 permit.

In March 2014 the permit was varied to a SR2012No14 Metal Recycling, Vehicle Storage, depollution and dismantling (authorised treatment) facility. NRW covered the cost of the variation process. The variation was carried out under the understanding that there would be no point source discharge, which was confirmed by Tomos Young and Joe Gatley during a meeting held on the 27 August 2013.

Following discussions on site on 15 April 2016, it was agreed that a legal opinion would be sought regarding the drainage on site as agreement between NRW and Jays Metal could not be reached. JAYS thought they were compliant with the drainage conditions in their permit.

NRW legal advised that the point source discharge via the oil interceptor is not in accordance with the SR permit.

3 options were suggested by legal

- To cease the point source emission from the oil interceptor so as to ensure that drainage facilities on site are in accordance with the standard rules set
- Seek consent from the relevant sewage undertaker for a discharge of trade effluent
- Retain the existing drainage facilities including discharge from the oil interceptor by applying to NRW for a bespoke environmental permit the conditions of which would cover the point source emission.

On 23 August 2016 a regulation 36 notice was served. The steps to be taken in Schedule 1 of this notice required JAYs metals to:

- Cease the point source discharge via the oil interceptor from hardstanding area of the site to adjacent ground
- Ensure the activities on site are operated using techniques in accordance with condition 2.3.1 and table 2.3
- Update the written management system for the site to incorporate changes to drainage from

hardstanding areas

These steps should have been completed by 16 March 2017

Jays metal were proposing to apply for a bespoke permit to retain existing site drainage and to include acceptance of non-hazardous WEEE.

However, before we received this application, on the 7 October 2016 we wrote to JAYs Metal to highlight that the rules set for SR2012No14 were being consulted on. We asked that you delay carrying out alterations until the consultation was complete and knew what the changes were going to be, if any, to the rule set.

When the new rule set was published it was clear that there were changes to the restrictions on discharging surface water from site.

Some of the changes included in Table 2.3.are:

Point 5.

Whole undepolluted and undamaged vehicles shall be stored on an impermeable pavement with

a) Sealed drainage system; or

b) A drainage system which discharges to surface water or groundwater and is designed, constructed and maintained so discharged runoff does not adversely impact the water quality of receiving water bodies, both during construction and when operational.

Point 6.

All other waste shall be stored on an impermeable surface with sealed drainage system.

You were notified of the changes to standard rules set 2012 No14 via letter on 27 July 2017. It is the operators responsibility to ensure that they meet the requirements following an amendment to the standard rule set that they operate under.

Observations on Site

During the site inspection conducted on 18 January 2019, scrap metal waste was being stored on an area of impermeable surface that drains via an interceptor, to groundwater.

This is a breach of condition 2.3.1 as Point 6 of Table 2.3 states that all other waste shall be stored on an impermeable surface with sealed drainage system. Discharge to groundwater via the interceptor does not meet the definition of a sealed drainage system under Condition 4.4 of SR2012 No14. This is a category 3 breach of condition 2.3.1 under B4 Infrastructure - Containment of stored materials

This is also a breach of condition 1.1.1 as the written management system has not identified and prevented a non-compliance. This has been scored a category 3 breach of condition 2.3.1 under C2 General Management - Management Systems & operating procedures.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources 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 in Wales.

END

CAR form resent 18/3/2019

I note your mail address has changed from julie@jaymetals.fsnet.co.uk to juliejaymetals@googlemail.com.

Please inform NRW should you change your contact information in future.

CAR FORM RESENT FOR A SECOND TIME 8/4/2019

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034498**

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Site	Jay Metals	Permit Ref	FP3097EZ
Operator/Permit holder	Julie Young	Date	18/01/2019

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.

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			
B4	C3	Your proposed action to ensure the activities on site are operated using the techniques in accordance with condition 2.3 Table 2.3 must reach us by 8 February 2019	08/02/2019
C2	C3	Your proposed action to ensure the activities on site are operated using the techniques in accordance with condition 2.3 Table 2.3 must reach us by 8 February 2019	08/02/2019

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.