

## Compliance Assessment Report CAR\_NRW0037113

**Permit being assessed:** JB3135RA.

For: E P S Scrap Export Facility, held by EPS Materials Recovery Ltd  
At: Kings Dock, Swansea Docks, Swansea, West Glamorgan, SA1 8QT.

**Type of assessment carried out:** Site Inspection, Reason: Other.

On 21/10/2020 between 13:10 and 13:50.

Parts of permit assessed: General site inspection

**NRW Lead Officer:** James Kinkead.

**Report sent to:** RSM Restructuring Advisory LLP, Administrators on 13/11/2020.

### 1. Summary of our findings (full details in section 4)

| Part of permitted activity assessed (criteria)                        | Assessment result | Permit condition |
|-----------------------------------------------------------------------|-------------------|------------------|
| A1 - Specified by permit                                              | C3 Minor          | 2.2.1            |
| C4 - General Management - Storage, handling labelling and Segregation | C3 Minor          | 2.1.1            |

Result types are explained in more detail in the 'Important Information' section below.

| Total number of non-compliances recorded | Total non-compliance score |
|------------------------------------------|----------------------------|
| 2                                        | 8                          |

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

### 2. What action is required?

| Criteria | Action needed                                                                           | Complete by |
|----------|-----------------------------------------------------------------------------------------|-------------|
| A1       | Please remove this waste from site as detailed in Regulation 36 Notice dated 22/10/2019 | 14/05/2021  |
| C4       | Please remove this waste from site as detailed in Regulation 36 Notice dated 22/10/2019 | 14/05/2021  |

Action criteria codes are listed in the 'Important information' section below.

### 3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

**You are non-compliant with your permit.**

**We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.**

## 4. Details of our assessment

Waste regulation officer James Kinkead attended carried out a site inspection of EPS Materials Recovery Ltd. Access to the site was organised via Associated British Ports, who opened the locked main gate to allow access to NRW.

The weather at the time of visit was very wet.

### Site security.

Both the main front gate and gate to the rear of the site were closed and padlocked prior to entry onto site. No significant gaps in the perimeter fence were observed. CCTV cameras were observed on the outside of the main grey building to the east past the site office.

### Site infrastructure.

The weighbridge has been removed from site. various other conveyor/sorting equipment remains on site (see below image). An array of metal containers for oil/fuel drum storage was seen onsite near the southern edge of the site. Pooling of discoloured water was observed in this area, as well as further along this south edge, where a bund of waste soil was holding the water (see images below).



Fuel/oil storage container.



Conveyor/sorting equipment.



Pooling of discoloured water along southern edge waste bund.

### **Waste storage on site.**

A number of significant waste piles of mixed soil/wood/plastics were observed to the front of the main outdoor concrete area of the site. Additionally, independent piles of mixed metal waste, soil and a pile of scrap buoys/metal containers were also observed in this area. To the rear of this main concreted area were additional piles of waste soils, an independent pile of waste wood, and 2 independent piles of a broken up HGV trailer.



looking to the north side  
(dockside) of site. Large piles of soil, and mixed waste.



looking to south east side. Large  
pile of scrap metal with assorted plastic waste deposited on top.



Rear of site looking north west.

Large piles of soil and wood waste.



one of two independent piles of waste resulting from the breaking of a HGV trailer.

Additional to the piles of waste observed, a long continuous bund of waste material/soil spans the south perimeter of the site. Where vegetation was starting to grow on this bund, the material was loosened with the heel of the waste officers boot. This waste material appears to be a mix of soil with general plastic/wood and metal wastes.



view of southern perimeter waste bund from outside of site.



Looking west along top of southern perimeter waste bund.

Small amounts of waste tyres were spotted around the site, as well as IBCs containing fuel or oil. None appeared to be actively leaking and none were placed near the dockside edge of the site.

The ABP security representative was informed when NRW officer James Kinkead left site.

### **Conclusion and scoring.**

#### **A1 – Specified by permit – permit condition 2.2.1 – cat 3**

In Compliance Assessment Report CAR\_NRW0036332 from a site inspection conducted at EPS on 11/02/2020, a category 3 non-compliance was scored for the activities occurring outside the permit boundary. It was noted that waste was being stored outside the permit

boundary and therefore needed to be removed. This related to the banded material which had the appearance of soil. An action was placed upon the company to ensure that waste be stored in line with permit conditions by 30 September 2020.

During the inspection of 21 October 2020 it was noted that no works had been undertaken on removing this waste from outside the permit boundary, and therefore you have been given a CAT 3 score for the continued storing of waste outside the permit boundary.

NRW will now consider its enforcement action.

### **Notice Compliance**

On 22 October 2019 EPS Materials Recovery Ltd were served with a Regulation 36 Notice to comply with the permit EPR/JB3135RA, in respect of ensuring all impermeable surfaces used to store waste are serviced by a sealed drainage system.

Prior to March 2019 plans were in place to install an interceptor and connect to the existing drainage on the site. It is our understanding that this drainage system has not been installed to date. This related to the concrete hardstanding on the dock side of the site, as outlined in **drawing 1984/1 of the Outline Drainage Layout Report 1984r1v1d1219** for the site.

Prior to the site inspection on 21 October 2020 the administrators were clearing waste away from the site. During this inspection on 21 October it appeared that most of the metal waste has been removed from site or moved off the impermeable surface area in question. However, piles of mixed waste were stored on the area of impermeable pavement as shown in the above photos.

### **C4 - General Management – permit condition 2.1.1 – cat 3.**

**Condition 2.1.1** of permit EPR/JB3135RA describes that the operator is only authorised to carry out activities stated in **table S1.1** which states 'all other wastes' (other than metal wastes) must be stored on an impermeable surface with sealed drainage system to a sealed sump.

As no sealed drainage system serves this impermeable surface, we have scored this as a category 3 noncompliance against permit **condition 2.1.1**.

**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.**

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

## Important information

### Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

### Assessment results and non-compliance categories (used in section 1):

| Assessment result | Description                                                       |
|-------------------|-------------------------------------------------------------------|
| Assessed (A)      | Assessed or assessed in part, no evidence of non-compliance found |
| Action only (X)   | Action only relating to the activity assessment                   |
| Ongoing (O)       | Ongoing non-compliance, not scored                                |

| Non-compliance category    | Description                                                                                                                 | Score |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------|-------|
| C1 Major                   | Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property | 60    |
| C2 Significant             | Potential to have a significant impact or effect on the environment, people and/or property                                 | 31    |
| C3 Minor                   | Potential to have a minor or minimal impact or effect on the environment, people and/or property                            | 4     |
| C4 No environmental impact | Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property       | 0.1   |

### How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

**What are suspended scores?**

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

**Full list of Industry and Waste action criteria (used in section 1 and 2):****A: Permitted activities**

- A1 Specified by permit

**B: Infrastructure**

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

**C: General management**

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

**D: Incident management**

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

**E: Emissions**

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

**F: Amenity**

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

**G: Monitoring and records, maintenance and reporting**

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

**H: Resources efficiency**

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

## Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

## Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

## Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

## What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

## Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.