Compliance Assessment Report CAR_NRW0037183

Permit being assessed: BB3737RS. For: A J T Recycling Ltd, held by AJT Recycling Ltd At: A J T Recycling Ltd, Felinfach, Fforestfach, Swansea, Swansea, SA5 4HF. **Type of assessment carried out:** Site Inspection, Reason: Routine. On 19/11/2020 between 12:00 and 13:00. Parts of permit assessed: A, B, C, D, F **NRW Lead Officer:** David Morgan, accompanied by James Kinkead. **Report sent to**: Jonathan Davies, General Manager on 02/12/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3.1
G3 - Monitoring and Records, Maintenance and Reporting - Maintenance records	C3 Minor	1.1.1 (a)

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
C4	You must store lead acid batteries in a container with a lid to prevent ingress of water or store batteries under cover.	19/02/2021
G3	Review the Environment Management System and ensure all requirements are fulfilled with regards to record keeping.	19/02/2021

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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

A routine site inspection was undertaken on Thursday 19th November 2020. Present on site were David Morgan (NRW), James Kinkead (NRW), Andrew Thomas (AJT), Jonathan Davies (AJT) and Tony Davies (representing AJT).

This inspection report documents findings from the inspection and provides feedback following a review of the site's Environment Management System (EMS).

Site Inspection

An inspection of the site was undertaken, and the following observations were made:

Infrastructure & Waste Storage

The site infrastructure appears to be very well maintained. The site benefits from an impermeable surface that appears to be in very good condition. There did not appear to be any cracks/damage to the site surface and there were no pools of water/standing water. This suggests that the maintenance works are effective.

Wastes were clearly segregated, however, at the time of the inspection, lead acid batteries were being stored outside in containers that did not prevent ingress of water. As a result, a non-compliance of the Environmental Permit was recorded.

Condition 2.3.1 of the Environmental Permit was breached (Category 3 - Minor) (Ref:c4)

Condition 2.3.1 states that operations will comply with the techniques listed in Table 2.3. You must ensure lead acid batteries are either stored in a container that has a cover and prevents ingress of water, or ensure they are stored under weatherproof covering.

All vehicles stored outside appeared to be fully depolluted. There was also no Waste Electrical and Electronic Equipment (WEEE) mixed in with general scrap.

Drainage

The drainage system for the site appears to be functioning well. There were no pools of standing water. Also, the interceptor was inspected. The outlet from the interceptor, which discharges into the foul system, was free from visual oil/grease and iridescence. This suggests the interceptor is well-maintained and regularly serviced.

Records

Following an inspection of the site, numerous documents, records and procedures were requested for inspection. Generally, when requested during the inspection, records were available. However, these records were not maintained in an organised filing system. You may benefit from reviewing this system to ensure records and procedures are easier to find and manage.

The following points were noted:

- Certificates were provided that showed staff had recently undergone training for operating various plant/equipment
- An up to date and accurate record of accidents was viewed
- There was no official training record
- There was no official maintenance checklist

Condition 1.1.1 (a) of the Environmental Permit was breached (Category 3 – Minor) (Ref:g3)

Condition 1.1.1 (a) requires operations to be undertaken in line with a written management system. The Environment Management System for the site requires records of maintenance and training to be kept. It is accepted that maintenance work and training may have taken place. You mentioned on site that you regularly undertake 'toolbox talks', however, this is not documented. You must keep records of maintenance checks and training.

Failure to undertake maintenance or training may result in a pollution/accident. By undertaking maintenance checks and keeping training records up to date it is possible that you could prevent an accident, incident and/or pollution from occurring.

It is important that as well as keeping records, checklist and procedures, that these documents are understood by all staff and are being used in the operation of the site.

Thank you for your time during the inspection.

The following comments have been made following an office-based review of your Environment Management System.

Environment Management System (EMS) Review

Following an inspection of the site, a review of the Environment Management System has been undertaken in line with the guidance document 'How to comply with your Environmental Permit'.

As well as general observations, some further information is required for your Environment Management System. Information that is marked as **'REQUIRED'** must be included in your EMS. It is advised that on receipt of this feedback, an in-house review of the EMS is undertaken.

Introduction

The Environment Management System would benefit from an introductory statement about the site, the type and volumes of waste it accepts, and the treatment processes that take place. Also, it must mention that the current permit is made up from the two Standard Rules sets No2008 No.20 and No2008 No.21 - **REQUIRED.**

The EMS would also benefit from a written description of the contents and a statement acknowledging that it has been developed in line with Natural Resources Wales' 'How to Comply with Your Environmental Permit' guidance document.

This should be a brief overview of the site and operations - **REQUIRED**

Comments:

Environmental Impacts and Controls

1. Table 2.d states:

"Oil/Water from Interceptor: …potential discharge to soakaway". Following the variation of the permit from Bespoke conditions to the Standard Rules, you are no longer permitted to discharge to soakaway so this comment should be removed from the EMS – **REQUIRED.**

2. Table 2.g states:

"Fuel Storage Tanks: …risk is mitigated by design of site to include sealed concrete bunded surface & crash barriers around tank area"

This area does benefit from crash barriers but did not appear to be bunded. Current measures and infrastructure may be sufficient, but information must be provided on total storage capacity of tanks and total storage capacity of secondary containment - **REQUIRED**

Site Plan

There is no site plan attachment to the EMS. Natural Resources Wales has a drainage plan for the site. However, this plan does not identify all main features of the site. A site plan must include the following:

- Activities carried out and discharge points
- Drainage plan
- Location of waste activities
- Location of oil/chemical storage facilities
- Important or sensitive receptors nearby (neighbours, watercourses etc.)

If there is another plan/drawing of the site that satisfies these requirements, please ensure to reference that plan/drawing in the EMS.

The EMS must contain a site plan that shows all main features of the site – **REQUIRED.**

Operations

Operations that are permitted must be referenced in the EMS. This is typically Table 2.1 in most Environmental Permits – **REQUIRED.**

Section D ('Preventing accidents…') of the EMS lists procedures for dealing with various unplanned situations, such as flooding, loss of utilities, vandalism etc. You must include details of procedures for dealing with issues in the supply chain (I.e. state the procedure if demand falls/re-directing waste to other sites/closing etc.) – **REQUIRED.**

Table 4. List of procedures states that many procedures are detailed in 'Waste Acceptance & Storage Procedure' and 'Operational Procedure'.

The following items were noted following a review of these procedural documents:

As a control measure for falling scrap/collapse of stacks (Vehicle Acceptance Procedure), the procedure states "stack heights 2 high. Monitored by supervisor". Further clarification is required to establish if this is scrap being stored 2 meters high, or depolluted vehicles being stored 2 high. It should be noted that during the inspection waste stacks were in excess of 2 meters high and depolluted vehicles were stacked 4 high. Please review this procedure and consider industry guidance, Health & Safety Policy, as well as planning permissions when reviewing stack heights - **REQUIRED**.

Procedures do not clearly define waste storage procedures with regards to height and stack dimension. Please amend the procedures to reflect waste storage layout - **REQUIRED**.

Numerous procedures state that "all monies are controlled at secure weighbridge". I would advise that you clarify no cash is paid for scrap (as per Scrap Metal Dealers Act).

Your EMS must contain details regarding Plot 2. This can be highlighted on a site plan to show a distinction between the two areas and show that a waste exemption is currently registered to Plot 2 – **REQUIRED.**

Maintenance

The EMS contains a maintenance checklist template. However, during the inspection, records (Maintenance Record) of these checks were not available for inspection. In order to rectify this non-compliance, you may wish to nominate a member of staff to undertake these checks.

This non-compliance (recorded during site inspection and noted above) should be recorded in the EMS, with proposals for measures to ensure this is rectified going forward - **REQUIRED**.

Accidents and Emergencies

The EMS contains an extensive list of procedures relating to the management of accidents. Potential incidents/accidents that could occur on site are clearly defined and control measures are documented.

There does not appear to be a site plan that details areas of interest with regards to accident management (I.e. location of first aid kits, spill kits, muster points etc.). This must be included in your EMS – **REQUIRED**.

In relation to incident/accident management, you must consider the following points and document that process (this could be done using a checklist to show these points have been considered): - **REQUIRED**.

You must consider:

- consider having appropriate insurance to cover any clean up following an accident, including firewater
- making the emergency services aware of your activities
- checking whether you are in a Flood Risk Area and if so register with Flood Warning Direct
- making sure you are up to date with our or other organisations' advice about how to deal

with extreme weather
- planning drills or exercises to test your accident and emergency procedures and ensure that your employees know what to do
- having a site evacuation plan and specific assembly points for staff off site
- making sure people can access key information off site if there is a problem entering the site in an emergency
- having a site board displayed to clearly identify your site contact numbers in case of emergency (waste and installations must have this, see your activity section).

Site Closure Plan

Your EMS must contain a Site Closure Plan. This plan will document the procedure for what will happen in the event that you will one day close the site. Points to consider are: removal of remaining waste from site, site condition report (check for any potential contamination, notify relevant authorities etc – **REQUIRED.**

Sufficient Competent Persons

With regards to staff, and competent persons, your EMS does not contain sufficient information regarding staff numbers and competency. You must document staff numbers, capabilities and competencies (including site attendance of Technical Competent Manager etc.) – **REQUIRED**

You may wish to refer to 'How to Comply with Your Environmental Permit' to see how this can be achieved.

Records

During the inspection an accident record book was viewed and appeared to be up to date with comprehensive information about the site.

Although training certificates were provided, and appeared to be up to date, there was no record of training undertaken by staff. You must keep a record of training received. Also, you mentioned on site that staff received 'toolbox talks' with regards to their role and responsibilities under the Environmental Permit and EMS. You must keep records of this training having been given – **REQUIRED.**

Staff must have access to a copy of the Environmental Permit, EMS, Accident Management Plan and Fire Prevention and Mitigation Plan. You must document that staff are aware of this and know where to find these documents – **REQUIRED.**

Avoidance, recovery and disposal of wastes produced by the activities

The EMS must contain evidence that procedures are in place to adhere to condition 1.2, 1.2.1 and 1.2.2 of the Environmental Permit. This relates to the appropriate measures that must be taken in relation to Article 4 of the Waste Framework Directive – **REQUIRED.**

Thank you for providing these documents and procedures when requested. During a future inspection, it is likely that an assessment will be made of procedures being used in practice.

END OF REPORT

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 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

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.