

Compliance Assessment Report CAR_NRW0037185

Permit being assessed: AB3797ZE.

For: KDK Metals Unit, held by KDK Metals Limited

At: K D K Metals, East Bank Road, Felnex Industrial Estate, Newport, Newport, NP19 4PP.

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

On 01/12/2020 between 11:30 and 11:45.

Parts of permit assessed: A / B / C / D / F / G

NRW Lead Officer: Greg Gardner, accompanied by Alex Bowder.

Report sent to: Paul Dare, Business Director on 11/12/2020.

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

| Part of permitted activity assessed (criteria) | Assessment result | Permit condition |
|--|-------------------|------------------|
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | C4 No impact | 4.2.2 |
| A1 - Specified by permit | Assessed (A) | |
| B1 - Infrastructure - Engineering for prevention and control of emissions | Assessed (A) | |
| B2 - Infrastructure - Closure and decommissioning | Assessed (A) | |
| B3 - Infrastructure - Site drainage engineering (clean and foul) | Assessed (A) | |
| B4 - Infrastructure - Containment of stored materials | Assessed (A) | |
| B5 - Infrastructure - Plant and equipment | Assessed (A) | |
| C1 - General Management - Staff competency/training | Assessed (A) | |
| C2 - General Management - Management system and operating procedures | Assessed (A) | |
| C3 - General Management - Materials acceptance | Assessed (A) | |
| C4 - General Management - Storage, handling labelling and Segregation | Assessed (A) | |
| D1 - Incident Management - Site security | Assessed (A) | |
| D2 - Incident Management - Accidents, emergency and incident planning | Assessed (A) | |
| F1 - Amenity - Odour | Assessed (A) | |
| F2 - Amenity - Noise | Assessed (A) | |
| F3 - Amenity - Dust/fibres/particulates and litter | Assessed (A) | |
| F4 - Amenity - Pests/birds and scavengers | Assessed (A) | |

| Part of permitted activity assessed (criteria) | Assessment result | Permit condition |
|---|-------------------|------------------|
| F5 - Amenity - Deposits on road | Assessed (A) | |
| G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment | Assessed (A) | |
| G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events | Assessed (A) | |
| G3 - Monitoring and Records, Maintenance and Reporting - Maintenance records | Assessed (A) | |

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

| Total number of non-compliances recorded | Total non-compliance score |
|--|----------------------------|
| 1 | 0.1 |

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 |
|----------|---|-------------|
| G4 | Submit all waste returns for 2019 to NRW. Please also make sure you submit 2020 waste returns date to NRW by 31st January 2021. | 18/12/2020 |

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.

At this time, we do not intend to take any further action.

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

This report details the site visit made on the 1st December 2020 to KDK Metals, permit reference number EPR-AB3797ZE.

Officers Alex BOWDER and Greg GARDNER attended the KDK Metals site at East Bank Road, Newport, NP19 4PP for a routine site inspection at 11:30am where we met with Paul DARE (Business Manager). The weather was dry, bright and reasonably cold which it had also been the previous day.

To remind the company following each visit Natural Resources Wales will produce a Compliance Assessment Report (CAR) detailing our comments from the inspection. If we substantiate reasonably foreseeable risks or actual impact to the environment, we can breach the business against your permit conditions which can affect your site banding and annual subsistence fees; this is scored on a Category 1 - 4 basis:

- 1 - Major, serious persistent and/or extensive impact on the environment/people/property
- 2 – Significant impact on effect on the environment/people/property
- 3 – Minor impact or effect on the environment/people/property
- 4 – A non-compliance which has no potential environmental effect

CATEGORY 4 BREACH – PERMIT CONDITION 4.2.2

(G4) REPORTING AND NOTIFICATION TO NATURAL RESOURCES WALES

“Within one month of the end of each year, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous year”

Root Cause Breach

- Failure to submit up to date waste returns to NRW
- Last waste returns received 2018 on NRW records

Please see report content for further justification

GENERAL OBSERVATIONS

KDK Metals operate under a Tier 3 Bespoke environmental permit based on standard rule set SR2010_No12. This is an ELV (End-of-Life Vehicles) site. The site was not in operation at the time of the visit.

NRW officers spoke with Mr. Paul DARE at the site who informed us that the site was mainly a storage facility and the site was operating at a very low level and that ELV's are now something his company does not deal with anymore. Potentially going forward there could be a surrendering or variation of the permit to ensure operations conducted at this site are in line with the current permit in place. Your permit is intended for ELV dismantling, if you intend to purely conduct scrap metal activities in the future you will need to ensure you are permitted under your conditions to do so.

NRW officers did not enter the site premises during the site inspection however could see through the site metal fencing. There were no ELV's on site at the time of inspection however there were officers witnessed various scrap metals stored within the premises. If you intend on changing your operational activities you must inform NRW at the earliest opportunity of these changes.

WASTE RETURN DOCUMENTS

Whilst checking our NRW systems for the most recent up to date Waste Returns from KDK Metals, Newport, we can only see date from 2018 submitted. All of 2019 and currently majority of 2020 have yet to be submitted. More information regarding waste returns can be found on the NRW external website. <https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/operator-waste-return-and-deadlines-for-returns/?lang=en>

Waste Return Submission Deadline

| Quarter | Period | Deadline |
|---------|--------|----------|
|---------|--------|----------|

| | | |
|---|--------------------------|------------|
| 1 | 1 January to 31 March | 30 April |
| 2 | 1 April to 30 June | 31 July |
| 3 | 1 July to 30 September | 31 October |
| 4 | 1 October to 31 December | 31 January |

ACTION: The most recent / up to date waste returns for 2019 are to to be submitted to NRW following the issue of this CAR form even if a null return is declared.

Due to COVID-19 restrictions, NRW officers risk assessed the situation and refrained from entering the site and discussed with Mr. Paul DARE the permit he has registered to his site.

There were no issues / breaches recorded at the time of the visit.

I look forward to working with the site in future.

If you have any issues with this report please contact Greg Gardner on greg.gardner@naturalresourceswales.gov.uk

Thank you.

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012

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.