

Compliance Assessment Report CAR_NRW0037294

Permit being assessed: BB3298HN.

For: Green Steel Works Ltd, held by Green Steel Works Ltd

At: Unit 6, Capital Valley Eco Park, Rhymney, Tredegar, Caerphilly, NP22 5PT.

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

On 08/12/2020 between 10:30 and 11:35.

Parts of permit assessed: Various

NRW Lead Officer: Jonathan Lee, accompanied by Greg Gardner.

Report sent to: Milo Thomas, Director/Manager on 06/01/2021.

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	2.4.1
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3.1

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	Limit site activities to the current permitted boundary. Stockpiles of waste currently outside the permitted boundary must be brought within permitted boundary.	17/03/2021
C4	Ensure that site activities are carried out in accordance with Table 2.3.	17/03/2021

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

Compliance Assessment Report – Green Steel Works Limited

Officers Jonathan LEE and Greg GARDNER in attendance of Green Steel Works Limited, Rhymney to complete a routine compliance inspection of the permit **EPR-BB3298HN**. Weather was cold and clear, however, the ground was wet due to recent rainfall. Officers met with site manager Milo Thomas and environmental consultant Colleen Andrews on site.

The site had not been inspected during the summer of 2020 due to the Covid-19 pandemic.

The operator submitted a permit variation application in April 2020, at time of compiling and issuing this compliance report this application is in progress and a varied permit has not been issued by Natural Resources Wales (NRW). Therefore, compliance has been assessed in accordance with the current permit conditions – **SR2008 No3 Household, commercial and industrial waste transfer station with treatment**.

Improvements on previous Compliance Breaches

The previous compliance inspection was completed by officer Jonathan LEE on the 14/02/2020. Two actions were listed during this inspection (CAR_NRW0036403). These actions are listed below

- Move remaining stockpiles of non-specified wastes into the building on site. Ensure that permit Table 2.3. is complied with. **INCOMPLETE**
- Submit updated FPMP which is written in accordance with the current FPMP guidance. Ensure that site activities are managed and operated in accordance with the FPMP guidance. **IN PROGRESS**

Waste Exemptions

Prior to the inspection the following waste exemptions were noted as being registered by Green Steel Works Limited.

- NRW-WME039665 – Registered 14.05.2019
- NRW-WME047748 – Registered 10.12.2019
- NRW-WME055397 – Registered 21.09.2020

All of these waste exemptions are S2 'Storage in a secure place' waste exemptions and are held by Green Steel Works Limited for activities at Capital Valley Eco Park.

Inspection Observations

- Site was partially operational during inspection. A noise assessment was being carried out, assessment required to support current permit variation application.
- Limited quantity of waste mattresses stored within building on site in comparison to previous inspections.
- Various stockpiles of waste were being stored and treated outside of permitted boundary, and outside of the main building on site. The surface of these areas was typically an impermeable concrete surface. However, there were no completed/formal drainage arrangements in place. Along the perimeter of the stockpiles of waste were concrete blocks. Whilst providing some barrier to any run-off and a physical barrier, they were not sealed along the base and would provide little protection during the event of an incident.

- The operator had been constructing concrete blocks using a mixture of primary materials and Incinerator Bottom Ash (IBA) from the screening of *EWC 190102 – ferrous metal removed from bottom ash*. Officers requested submission of WAC testing document to ascertain composition of IBA.

Compliance Breaches

The following permit breaches were identified during the inspection.

A1 – Specified by permit – Category 3 breach – Permit Condition 2.4.1

Permit condition 2.4.1. states that ‘the activities shall not extend beyond the site, being the land shown edged in green on the site plan attached to the permit’. The current site plan is shown below

Schedule 1 - Site plan

This is the plan referred to in the standard rules SR2008No3



During the inspection it was noted that several stockpiles of waste were being stored and treated outside of the permitted boundary, as shown in the site photographs below. Natural Resources Wales (NRW) consider that these activities are directly associated with the permitted activities.

The treatment activities and storage of these wastes does **not** comply with the conditions of an S2 Waste Exemption. NRW have previously issued **warning** (see *CAR_NRW0036403*) that an S2 Waste Exemption is not to be used for this purpose, and requested that all remaining waste should be removed from the area.

Given that this has not taken place NRW have now **de-registered** waste exemption reference NRW-WME039665.

A **Category 3 breach** of permit condition 2.4.1 has been scored for failure to limit the activities of the site to the current permitted boundary.

Action: Limit site activities to the current permitted boundary. Stockpiles of waste currently outside the permitted boundary must be brought within permitted boundary.

A deadline of the **17th March 2021** has been set to rectify this non-compliance.

It should be noted that if the stockpiles of waste are not moved to within the permitted boundary, Natural Resources Wales may issue an **enforcement notice**.

C4 – General Management – Storage, handling, labelling and segregation – Category 3 breach – Permit Condition 2.3.1

Permit condition 2.3.1 states that the activities shall be operated using the techniques and in the manner described in Table 2.3 below.

Table 2.3 Operating techniques
1. Unless stored or treated outside as specified waste ³ :
a) all bulking, transfer or treatment of waste shall be carried out inside a building;
b) all waste shall be stored in a building or within a secure container.
c) all waste shall be stored and treated on an impermeable surface with sealed drainage system.
2. Specified waste shall be stored and treated on hard standing or on an impermeable surface with sealed drainage system.

As previously detailed, at the time of the inspection it was evident that the operator was stored and treating outside of the permitted boundary. In addition, there were stockpiles of non-specified waste stored within the permitted boundary, however, these were stored outside of the building on site.

A **Category 3 breach** of permit condition 2.3.1 has been scored for failure to store non-specified wastes inside the building on site.

Action – Ensure that site activities are carried out in accordance with Table 2.3.

A deadline of the **17th March 2021** has been set to rectify this non-compliance.

Site Photographs



Photo One - Site building



Photo Two - Stockpiles of waste stored outside of permitted boundary



Photo Three - Stockpiles of waste stored outside of permitted boundary



Photo Four - Stockpiles of non-specified waste stored outside of building and permitted boundary



Photo Five - Stockpiles of non-specified waste stored outside of building and permitted boundary



Photo Six - Stockpiles of waste stored outside of permitted boundary



Photo Seven - Stockpile of non-specified waste stored outside of building

Other Actions

- Supply WAC testing documentation for Incinerator Bottom Ash waste used in the construction of concrete blocks.

Summary

Whilst it is appreciated that the operator has recently a permit variation application, NRW are required to regulate permitted waste activities based on the current permit conditions. As such, two Category 3 breaches have been scored as a result of this inspection. Please see that action is taken to rectify these non-compliances.

If you have any queries regarding this Compliance Assessment Report please contact regulatory officer Jonathan Lee on 0300 065 3908, or via email at jonathan.lee@naturalresourceswales.gov.uk

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.

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.