

## Compliance Assessment Report CAR\_NRW0038298

**Permit being assessed:** CB3096FU.

For: R & J Metals, held by R and J Metals Ltd

At: Dock Yard estate, Briton Ferry Industrial Estate, Briton Ferry, Neath, Castell-nedd Port Talbot, SA11 2HZ.

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

On 13/05/2021 between 12:00 and 13:00.

Parts of permit assessed: See Below

**NRW Lead Officer:** Michael Edwards, accompanied by Sally Wakeford.

**Report sent to:** Richard O'brian, Director on 19/05/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	Assessed (A)	
C2 - General Management - Management system and operating procedures	C3 Minor (Suspended)	1.1.1a
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3.1
G3 - Monitoring and Records, Maintenance and Reporting - Maintenance records	Assessed (A)	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	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
2	4

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
C2	Ensure that both EMS and FPMP are submitted to NRW when available.	29/07/2021
C4	Ensure that all wastes are stored in a manner in line with the requirements of the environmental permit.	04/06/2021

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.

**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

Arranged site inspection of R & J Metals Limited. In attendance, Michael Edwards and Sally Wakeford of Natural Resources Wales along with site operators John and Rob O'Brien. This is the first inspection since the permit has been granted.

**Under condition 1.1.1 a)** the operator is required to operate activities in a manner that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents incidents...to the attention of the operator as a result of complaints". Ben Rees of Geotechnology is in the process of producing both an Environmental Management System (EMS) and a Fire Prevention and Mitigation Plan (FPMP) (as required under condition 3.4).

**This has been scored as a Category 3 breach of permit condition 1.1.1a) (Suspended)**

**Action – Ensure that the EMS and FPMP are submitted as soon as possible.**

**Under condition 1.1.4** the operator is required to comply with the requirements of an approved competency scheme. Mark Tymkiv is currently acting TCM whilst Rob O'Brien prepares for WAMITAB qualifications. Records were available as proof of Mark Tymkiv's attendance on site.

**Under condition 2.3.1** the activities undertaken as part of the operation must be done in a manner described in **Table 2.3**. Most of the waste stored on site is stored on a concrete pad at the rear and the area benefits from two tanks for sealed drainage and is serviced by Siddell Ltd. During the inspection it was also noted that several ELV's were stored on an area of hardstanding prior to being depolluted along with other waste types.

**This has been scored as a Category 3 breach of permit condition 2.3.1.**

**Action – As agreed, ensure that all wastes are stored in a manner in line with the requirements of the environmental permit.**

During the inspection no wastes were stored outside of the permitted boundary in line with **Condition 2.4.1**.

**Under condition 2.5.1** as a minimum, all ELV's (End of Life Vehicles) shall be treated to the standards set out in **Table 2.5**. As was discussed, depollution of End of life vehicles must be done in an appropriate manner as detailed in the End of life vehicle Directives 2000. Guidance is available on the following link: [Environmental permitting guidance: The end-of-life vehicles directive - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/environmental-permitting-guidance-the-end-of-life-vehicles-directive)

**Under condition 3.1.3** all liquids in containers, whose emissions to water or land could cause pollution shall be provided secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container. Liquids were stored in labelled, double bunded tanks within the main building at the ELV depollution bay.

**Under condition 4.2.2** of the permit, the operator is now required to submit annual waste returns.

Guidance on how to complete and submit these spreadsheets is available on the following link: [Natural Resources Wales / Submit your waste return](#)

Further to the compliance inspection, please see below the guidance documents available to you to help ensure that you remain compliant with the conditions of the permit.

‘How to comply with your Environmental Permit’ this guidance explains the conditions or rules of your environmental permit. It describes the standards and measures you must use to control the most common risks of pollution from your activity and how to comply with conditions of the permit.

[How to comply with your environmental permit \(cyfoethnaturiol.cymru\)](#)

Should you require more information, please do not hesitate to contact me.

Many thanks for your time during the inspection.

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.