

Compliance Assessment Report CAR_NRW0038470

Permit being assessed: NP3895FH.

For: RDA Recycling Ltd, held by Kayleigh Parsons

At: Yard 3 Commercial Lane, Risca, Newport, NP11 6AW.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2105490).

On 30/06/2021 between 11:00 and 11:55.

Parts of permit assessed: Various

NRW Lead Officer: Jonathan Lee, accompanied by Chris Burge.

Report sent to: Kayleigh Parsons, Permit Holder on 02/07/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C2 Significant	1.2.2
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	5.1.4
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	5.2.2

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

Total number of non-compliances recorded	Total non-compliance score
3	39

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 permit condition 1.2.2 and your EMS document are adhered to at all times to reduce or prevent the risk of pollution and/or fire-related incidents.	06/08/2021
C4	Ensure that all residual wastes are stored appropriately and in accordance with permit Table 5.4.	06/08/2021
G4	In the event of a fire, efforts must be made to notify the NRW Incident Communication Centre on 0300 065 3000.	03/07/2021

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

Compliance Assessment Report

This compliance assessment reports considers a fire incident at RDA Recycling Limited, Commercial Lane, Risca on the 25th June 2021 attended by Natural Resource Wales (NRW) officer Chris BURGE, and a follow-up inspection conducted by NRW officer Jonathan LEE and Fire & Rescue Service (FRS) officer Stuart BROCK on the 30th June 2021.

This compliance assessment report considers compliance with the environmental permit **EPR-NP3895FH** held by Kayleigh PARSONS but also includes details on observations made by the FRS in relation to fire safety at the site.

FIRE INCIDENT – 25th June 2021 – INCIDENT REFERENCE 2105490

At approximately 12:30pm on the 25th June a fire started at the depollution bay to the rear of the site. The incident was attended by the local Police units, FRS and NRW. The fire was extinguished by the FRS at approximately 15:40pm and crews were stood down shortly afterward.

The FRS control room contacted the NRW Incident Communication Centre (ICC) to notify them of this incident, this report was logged as incident reference 2105490.

The incident was attended at approximately 16:30pm by Duty Officer Chris BURGE. Details recorded during the incident reveal that the cause of the fire was due to flame cutting equipment being used inside the depollution shed, which caused the vehicle being worked on to catch fire and subsequently other vehicles and waste materials. Fire-water run-off was directed to the drainage gullies on site as blocking of these drains could have led to run-off to properties near to the site. Smoke from the fire was observed in nearby residential addresses. No major direct run-off to the River Ebbw was noted as the run-off was primarily directed to the drainage gully and site interceptor.

SITE INSPECTION – 30th June 2021 – FRS & NRW

Officers Jonathan LEE and FRS officer Stuart BROCK attended the site to complete a follow up inspection on the 30th June 2021. Weather warm and dry at time of visit. Officers met with Arthur PARSONS and briefly with permit holder Kayleigh PARSONS.

Arthur PARSONS gave a tour of the site and a description of the fire incident that occurred at the site on the 25th June 2021.

During the inspection the following points were noted by officers and discussed with Mr PARSONS;

- General housekeeping of the site was poor with inadequate separation between waste types and areas for site activities, for example vehicle depollution. There was a large stockpile of partially fire

damaged End of Life Vehicles (ELVs) present on site, however, it was stated by Mr PARSONS these were soon to be baled and collected. Officers raised concerns on how a vehicle stockpile of this height (approx. 4 vehicles high) would be tackled safely in the event of a fire incident.

- It was noted that during a fire incident gaining safe access to the rear of the site and the depollution bay would be difficult, as the main access route to the back of the site was blocked by vehicles awaiting processing. It is vital that safe access routes are established for the safety of personnel on site and to reduce the risk of a fire spreading.
- The baler on site was now operational and being used to crush depolluted ELVs for future processing at subsequent waste management facilities.
- Whilst there was some evidence of black staining on the impermeable surface from the fire incident, the drainage gullies were clear of physical debris as noted in previous compliance inspections.
- Officers discussed at length the need for improved management of the site and for distinct areas to be created for each site activity/storage area of each waste type. Whilst residual wastes from the depollution process (oils, batteries etc) were being stored in suitable containers these containers were often in close proximity to or within stockpiles of other wastes. There was no lid on the box being used for the storage of batteries.
- Whilst it was stated that there were fire extinguishers located in the office on site, no fire extinguishers were noted as present in other high-risk fire areas on site, for example the depollution building.
- Officers discussed following the recent fire incident, the need for a **new Fire Risk Assessment to be completed for the site as an urgent priority**. It is hoped this fire risk assessment will inform priority actions in relation to fire risk to be completed, and that these are done as soon as practicable.
- The number and size of the tyre stockpile present on site was within the permitted limit, however, there was inadequate separation. Some tyres had caught fire during the recent fire incident.
- No issues in relation to waste types present noted.
- Officers agreed to revisit the site in 4-6 weeks' time to assess whether improvements to the activities and management of fire risk at the site have been completed.

Compliance Breaches

The following permit breaches were identified during the inspection.

C2 – Management system and operating procedures – Category 2 Breach – Permit Condition 1.2.2

Permit condition 1.2.2 states that the 'storage and treatment operations of waste motor vehicles shall meet the requirement of Schedule 5 of the ELV Regulations (2003). Infrastructure and equipment provided to meet these obligations shall be maintained in working order and shall be used to give effect to their purpose'. Schedule 5 of the ELV Regulations stipulate various points regarding the minimum technical requirement for keeping and treating ELVs.

In addition, the site has an Environmental Management System (EMS) document which states various points regarding the management of the site and its activities,

- EMS Point 2.2 iii) Materials that have been segregated will be stored in clearly identified areas ready for re-use or recycling.
- EMS Point 3.2 v) – batteries are removed from ELVs on site are stored in a leak-proof container that is undercover...
- EMS Point 5.4 ii) – Fire extinguishers are located at strategic locations around the site
- EMS Point 7.8 – Vehicles will not be stacked more than 2 high. Vehicle shells will not be stacked more than 3 high.

- EMS Point 7.9 – Tyres are to be stored safely away from any hot work areas, and the depollution bay.

As noted above there were several concerns in respect of site management, site activities and fire risk raised by officers during the course of the inspection. Several of these observations do not comply with points given within the EMS document for the site or Schedule 5 of the ELV Regulations.

Non-compliance with permit condition 1.2.2, your EMS and permit condition 5.1.4 (further details below) have been considered as a root cause of the fire incident on the 25th June 2021. As such a root cause **Category 2 Breach** of Permit condition 1.2.2. has been scored.

Action: Ensure that permit condition 1.2.2 and your EMS document are adhered to at all times to reduce or prevent the risk of pollution and/or fire-related incidents.

A deadline of the **6th August 2021** has been given for this to be completed.

C4 – Storage, handling, labelling and segregation - Category 3 breach – Permit Condition 5.1.4

Permit condition 5.4.1 states that ‘residual wastes shall only be handled and stored on the site in accordance with the standards specified in Table 5.4 below. Table 5.4 states that; ‘

a) End of life vehicle fluids...

i)... all fluids drained from vehicles shall be segregated by type and stored in separate, appropriate tanks, drums or containers that are fit for purpose... clearly and unambiguously labelled regarding their contents.

b) Batteries, oil filters, oil contaminated parts...

i) Once removed from vehicles, these components shall be segregated by type and stored within dedicated appropriate containers that are fit for purpose...

iii) Lead acid batteries shall be stored in containers with an impermeable, acid resistant base and a lid to prevent ingress of surface water.

c) Tyres...

- Tyres shall be stored in stable stacks with individual capacities of no greater than 20 cubic metres and to a height of no greater than 3 metres
- Individual tyre stacks shall not be stored within 6 metres of each other
- Tyre stacks shall not be located within 10 metres of any area of used for flame cutting operations.

Efforts must be made to ensure residual wastes such ELV fluids and batteries are stored appropriately.

Whilst it is appreciated the footprint of the site is small, efforts need to be made to ensure that future flame cutting operations are kept well away from stockpiles of tyres and/or individual tyres. Whilst the fire incident did not fully spread to the tyre stockpile on site, if this had occurred it would have presented major issues in respect of safe firefighting to the Fire & Rescue Service.

You have been given a **Category 3 breach** of permit condition 5.1.4 for failure to comply with various requirements of permit Table 5.4. Failure to comply with this permit condition could have caused an escalation in the fire incident on the 25th June 2021 and therefore needs to be address as an urgent priority.

Action: Ensure that all residual wastes are stored appropriately and in accordance with permit Table 5.4.

A deadline of the **6th August 2021** has been given for this to be completed.

G4 – Reporting and notification to Natural Resources Wales – Category 3 Breach – Permit Condition 5.2.2 a

Permit condition 5.2.2 (a) states that in the event of a fire on the site, immediately following taking action to suppress and extinguish the fire, the following actions shall be implemented immediately and recorded in the site diary (a), the Agency shall be informed of the fire.

NRW did not receive notification from the site of the fire incident and were therefore unable to attend until several hours after the fire had started. As such a **Category 3 Breach** of permit condition 5.2.2. has been scored.

Action: - In the event of a fire, efforts must be made to notify the NRW Incident Communication Centre on 0300 065 3000.

Deadline is on receipt of this report.

Appendix – Site Photographs



Photo 1 - Stockpile of ELVs and residual wastes



Photo 2 - Stockpile of ELVs and fire damaged vehicle



Photo 3 - Stockpile of residual wastes near baler, canisters

Summary

Three compliance breaches have been recorded as part of the inspection, please see that action is taken urgently to rectify these non-compliances.

Officers intend to revisit the site in August 2021 to assess whether progress has been made regarding 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.