Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0033924

This form will report compliance with your permit as determined by an NRW officer					
Site	European Metal Recycling Ltd	Permit Ref	ZP3795FD		
Operator/Permit holder	European Metal Recycling Ltd				
Regime	Waste Operations				
Date of assessment	14/09/2018	Time in	N/A	Out	N/A
Assessment type	Site Inspection				
Parts of the permit assessed	Fire prevention and management plan				
Lead officer's name	Dearle, Nessa				
Accompanied by					
Recipient's name/position	Site manager / Nicola Rushton	Date issued	14/09/2018		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
D2 - Incident Management - Accidents, emergency and incident planning	C3	3.4.1

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.
A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,
O = Ongoing non-compliance, not scored.

Number of breaches recorded	**1**	**Total compliance score** (see section 5 for scoring scheme)	4

If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Thank you for submitting your fire prevention and mitigation plan to NRW. This plan has now been assessed in line with our fire prevention and mitigation plan guidance. This assessment has highlighted additional information that is required and specific issues that may cause concern in the event of a fire.

It was noted that in certain parts the details of your plan relate closer to an environmental management system (EMS) than a fire prevention and mitigation plan (FPMP). For example, your plan outlines waste acceptance and rejection procedures. These are not relevant to your fire prevention and mitigation plan; however, these should be included in your environmental management system.

Other specific areas of your FPMP require additional information and review. Your fire prevention and mitigation plan was required in to be submitted in November 2017. As your site still doesn't have a suitable plan in place, a category 3 breach has been scored against condition 3.4.1 of your permit. Advice and guidance to allow you to improve your FPMP in line with our guidance is outlined below.

Site plan

Thank you for providing a plan of your site for fire prevention and mitigation management. This site plan was useful; however, certain aspects have been highlighted as requiring review or additional information.

Our guidance identifies a need to put a specific fire prevention quarantine area in place for your plan, separate to your quarantine area for non-permitted/" rouge" wastes. This quarantine area should have the capacity to hold 50% of the largest stack on site and should have sufficient separation distances to allow access for the fire and rescue service in the event of a fire.

In Table 1 you identified that a quarantine area, meeting these criteria will be in place on site by non-combustible wastes. However, section 5.3 suggests that a designated quarantine area will be established in the event of a fire, suggesting that this area will not always be available on site. Please ensure that a sufficient quarantine area for firefighting is always left available on site. This area can move around depending on your waste activities, however, the appropriate area needs to be available on site at all times.

Upon assessment of the plan we were concerned that not all ferrous metal stored on site was accurately accounted for in the plan. Most of the piles outlined on your site plan are identified as non-combustible waste. However, on my last visit I noted that all these piles didn't appear to contain non-ferrous, uncontaminated waste only. As such NRW requests that you confirm that there are no ferrous metals within any of these materials. Waste stored indoors also hasn't been identified on the site plan. Please ensure that these materials are all adequately marked on your site plan.

It was noted that your WEEE storage area was located near your ELV depollution bay. Due to the potentially hazardous nature of WEEE wastes this causes a higher risk. As such NRW requests that you alter your storage to reduce this risk or alternatively put additional measures in place to control the risk. Separation distances between WEEE wastes and the depollution have also not been supplied.

Management and storage of wastes

Storage duration, dimensions

Our guidance requires information detailing the amount of waste accepted and treated daily. Please provide details of your daily waste acceptance and how these wastes are stored on arrival.

Table 2 of your FPMP outlines figures for piles sizes for different types of waste, however, these do not identify the length, width and heights of these piles. Please identify which figures relate to which dimensions in this table. Similarly, in relation to separation distances, the plan identifies that the site will comply with the NRW guidance on separation distances, with a minimum separation distance of 5m in place. However, we require full details of what separation distances will be put in place for different waste piles, to allow us to assess whether the separation distances are appropriate for the lengths and type of each waste pile. You should use table 1 to identify appropriate separation distances for waste stacks/piles.

Your plan outlines storage dimensions and stack sizes for ELVs. However, this is specific to unpolluted ELVs on arrival. Please confirm if ELVs will be stored in this manner following the depollution process or if other storage methods will be in place following depollution.

Your plan outlines that fire walls are in place on site for certain combustible wastes and provides a description of these walls. Please outline in your plan if these walls will provide 120 minutes of fire resistant in line with our guidance; if so, please provide details of how this can be demonstrated.

Storage within building and containers

Limited information has been included relating to the storage of waste within your building. Please provide details of how waste is stored within your building and how a fire in the building would be managed. This could include methods for clearing smoke from the building.

Evacuation procedures should be in place for the building and detailed in your FPMP.

Your plan outlines that containers are used for storage of tyres and wood. Please outline how these containers can be easily moved in the event of a fire, to allow access for the fire and rescue service.

Sensitive receptors

Thank you for supplying details of your sites receptors. Your plan outlines that details of your procedure for alerting nearby businesses in the event of a fire are outlined in a Crisis Communications Plan. Please include relevant details of this plan in your fire prevention and mitigation plan.

Monitoring

From your site plan, I can see that self-combustible wastes, including baled cans and turnings are located next to each other. Please provide further details on the distances between these piles and how the risks of self-combustion will be managed.

Your FPMP outlines that a thermal camera will be present on site to monitor self-heating in self-combustible waste piles, stacks. However, further details would be useful to determine how effective this monitoring would be. This information should include the specifications of the thermal camera, it's position and direction.

Similarly, training for staff on monitoring and detecting hotspots is mentioned in the plan. You have outlined the employees will receive fire extinguisher training and fire prevention awareness training. Please provide further details on what the training for monitoring and detection of hotspots will consist of.

Fire and Rescue Service access

You have outlined certain details relating to the access route for the fire service to the site in the case of an incident. However, further details are required relating to access to the waste piles and fire breaks between the perimeter of the site and waste piles.

Managing an incident

Our guidance requires operators to outline how environmental effects of a fire will be managed. In your plan you have highlighted potential emissions and containment measures. This states that your site can retain 1,990,000 of water. However, you haven't provided an adequate explanation of how these emissions will be contained. As such we require an effective assessment detailing how your site will protect receptors, as such the dock water from contamination by firewater, to ensure that no fire run-off enters the water.

In your plan you also describe a partly automatic and a manual suppression system that is in place in your shearing machinery. Please provide further details on how this mechanism is operated and how this would facilitate the site in the event of a fire.

Thank you for supplying details of your proposed, available water sources, including the on-site water hydrant and use of dock water. As discussed, you will not need any authorisation from NRW to abstract this water. However, you will need to get permission from ABP to use the water in the event of a fire. You will also need to supply details of access to this water source, this should include the distance of the water level from the edge of the site.

Similarly, you are required to outline how the amount of fire water used will be minimised on site. This could include using water fogs in place of jets or recycling of fire water if appropriate.

After an incident
NRW guidance outlines that sites must assess how they would deal with the aftermath of an incident, including details of how you plan to clear and maintain the site in the event of following a fire.

Our guidance also requires sites to regularly review their FPMP, to ensure it remains relevant to the sites operations. As such please include details of how regularly you will review your fire prevention and management plan.

Other issues
It was noted that section 3.13 of your environmental management system outlined that "Materials received by EMR for shearing typically consist of post-consumer scrap metals; depolluted end of life vehicles (ELVs), large domestic appliances (WEEE) and other mixed metal materials". While elsewhere in your plan you outline that no WEEE is treated on site.

From revision of your permits, I can confirm that you are not authorized to treat any type WEEE on site. Your standard rules permit SR2008 No.21 doesn't include waste codes for the treatment of WEEE. WEEE codes for storage are included in your S2 exemption and permit SR2009 No7, however, these do not permit treatment through shearing. Please confirm whether large domestic appliances are treated on site. If these activities are noted on site in the future, you will be breached on this.

Throughout the FPMP references are made to your SWPs for additional information, such as for hot works. Any information that is outlined in the EMRs SWPs that are relevant to fire prevention and mitigation should also be included in the FPMP.

If you have any queries about the details outlined in this form, please get in contact on the details below.

Nessa Dearle

03000653352

nessa.dearle@naturalresourceswales.gov.uk

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Operator/Permit holder	European Metal Recycling Ltd	Date	14/09/2018

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition.
Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	**CCS Category**	**Action required/advised**	**Due Date**
See Section 1 above			
D2	C3	Please revise your FPMP in line with advice to meet the requirements of our guidance by the 16th of November 2018.	16/11/2018

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer’s line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language
If you would like this form in Welsh please contact your Regulatory Officer.