

Compliance Assessment Report CAR_NRW0038643

Permit being assessed: BB3299FN.

For: SL Recycling Ltd, held by SL Recycling LTD

At: Unit 1, Pontyfelin Industrial Estate, New Inn, Pontypool, Torfaen, NP4 0DQ.

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

On 18/08/2021 between 12:30 and 13:00.

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

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

Report sent to: Rebecca Tucker, Stacey Lewis, Technically Competent Manager, Director on 24/08/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	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	Action only (X)	
C3 - General Management - Materials acceptance	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3 - Operating techniques
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	C3 Minor	3.3
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
F5 - Amenity - Deposits on road	Assessed (A)	

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
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)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	

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
C2	(1) Establish separation distances between site boundaries and neighbouring waste streams to allow emergency service access in the event of an incident. (2) Please update site plan and amend EMS to reflect new location of waste storage areas. Please submit this to NRW for review.	07/09/2021
C4	(1) Ensure all mixed general waste is stored within the building in-line with permit conditions. (2) Create appropriate separation distances between waste streams and boundaries to allow suitable access in the event of fire incident.	31/08/2021
F2	(1) Reduce all heights of stockpiled waste to 4m - do not allow waste stockpiles to exceed this height restriction in future. (2) Reject material if there is unsuitable capacity on site to compliantly accept more waste. (3) Use appropriate preventative measures and operate activities in accordance with the Noise Prevention Plan.	31/08/2021
G4	Submit outstanding quarterly waste return data to NRW.	31/08/2021

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

*This compliance report details the observations made by NRW Regulation Officers in July 2021 responding to reported amenity incidents and the site inspection conducted on 18 August 2021 at SL Recycling Limited, Pontyfelin Industrial Estate, Pontypool, NP4 0DQ - Permit number **EPR-BB3299FN**.*

Senior Regulation Officer Alex BOWDER and Officer Greg GARDNER attended SL Recycling Limited at 12:30 to conduct a routine inspection of the permit. Officers met with Becky TUCKER (Technically Competent Manager) and Stacey LEWIS (Business Director) who accompanied Officers around the permitted area. Weather conditions were dry and mild at the time of inspection.

For awareness, NRW will be undertaking more unannounced site inspections of permitted sites within south east Wales - notice will not always be provided to operators prior to visits.

ACTIONS FROM PREVIOUS VISIT ON 9 FEBRUARY 21

- Create established separation distances between stored waste and site boundaries.
- Reduce all stockpiled waste exceeding four metres in height.
- Repair damaged areas of flooring on site and remove excess sludge from drainage area.
- Continue to manage operations in accordance with the operator's Noise Management Plan.

PERMIT COMPLIANCE

CATEGORY 3 BREACH - PERMIT CONDITION 2.3, OPERATING TECHNIQUES

C4 - GENERAL MANAGEMENT - STORAGE, HANDLING LABELLING AND SEGREGATION

"Activities shall be operated using the techniques and, in the manner:

1. Unless stored or treated outside as specified waste:

- 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."*

Mixed general waste was witnessed being stored outside of the building structure and so did not benefit from appropriate cover, as seen image 1.

Lack of established gaps between stored waste, neighbouring stockpiles and the site boundaries.

ACTION

- Ensure all mixed general waste is stored within the building in-line with permit conditions.
- Create appropriate separation distances between waste streams and boundaries to allow suitable access in the event of fire incident.



Photo 1 - General waste deposited outside of building structure not benefitting from cover

CATEGORY 3 BREACH - PERMIT CONDITION 3.3

F2) - AMENITY - NOISE

Operator not using appropriate preventative measures at the time of reported amenity incidents - namely, storing excessive stockpile volumes and dimensions on site. See report for further justification.

ACTION

- Reduce all heights of stockpiled waste to **4m**. Do not allow waste stockpiles to exceed this height restriction in future.
- Reject material if there is unsuitable capacity on site to compliantly accept more waste.
- Use appropriate preventative measures and operate activities in accordance with the Noise Prevention Plan.

WASTE ACTIVITIES - OBSERVATIONS

The site was in operation at the time of the visit and all waste streams were stored within the permit boundary. No movement of material or processing of metal was taking place during the inspection. It was evident that, a new blue shredder unit has been installed to

the east of the site which will assist with treating the waste scrap into the different fractions. Generally, each work area was almost at capacity in terms of its storage limits. Please be mindful of this going forward to ensure permit conditions are not compromised due to waste tonnages.

There were no issues noted with the infrastructure or drainage system of the site. Officers spoke with the operator with regard to containing potential noise impacts generated from site processes and adhering to operating times. The operator stated that, under no circumstances, do staff drop scrap material from heights or operate outside of their designated working hours. This is to reduce noise impacts as far as reasonably practicable.

GENERAL WASTE

At the time of the inspection, a large proportion of the mixed general waste was deposited outside of the designated shelter which, as a result, did not benefit from any cover. The operator stated that, the building was not full and so had the room to accommodate the material under cover when moved. This material is currently being sent to landfill due to the market.

As a reminder, except for specified waste, all bulking, transfer or treatment of waste must be carried out **inside a building** in-line with permit conditions. Wastes can be bulked up for disposal or recovery elsewhere but, must be should benefit from cover to prevent saturation with rainfall and any subsequent leachate that may occur as a result.

Officers also highlighted that the mixed waste should be reduced in volume for fire mitigation. Officers reiterated that, the height of the waste must be under 4 metres and clear separation distances exercised for proper material management and to prevent fire spread. It was indicated that, no further general waste had been accepted to site and plans are in place to reduce the general waste stockpile size imminently.

METAL RECYCLING

The primary activity on site remains to be scrap metal recycling. The site contained quantities of metal intended to be treated, baled and sent to the relevant downstream scrap metal dealers. It was noted that, the size of the central waste stockpile was higher in parts at the time of the inspection. It was mentioned that, this needs to be reduced and consistently managed on a daily basis. The operator expressed that; they wanted the material to be removed from site urgently, however had been let down by logistical issues preventing the usual turnaround time of sorting materials.



Image 2 - stockpile of scrap metal waste located in the centre of the yard

Stockpile dimensions

NRW Officers reiterated to the operator that the height of stockpiles must not exceed **4 metres**. Additionally, clear separation distances between stockpiles need to be established to enable access in the event of a fire incident.

On 21 July 2021, the excess height of scrap metal stockpile was noted by NRW Officers Jonathan LEE and Greg GARDNER on a previous visit to SL Recycling Ltd, (see image 3).



Image 3 - Showing the large height of stockpile of scrap metal stored on site - taken on 21 July 2021

WOOD WASTE

The operator indicated that, they have recently moved their storage area for the wood material extracted from the general waste pile next to the ELV section of the yard. This needs to be reflected in the Environmental Management System (EMS) and Site Plan. The operator also stated about the intention to construct bay walls to assist with separating and containing waste streams. There was a lack of a clear separation between the metal and wood waste to the site boundary. This point has been highlighted on previous inspections

ACTION

- Establish separation distances across all waste streams on site to allow emergency service access in the event of an incident.
- Please update site plan and EMS to reflect new location of waste(s) storage areas. Once updated, please submit this to NRW for review.



Image 4 – showing new location for wood waste, limited separation distance between waste and site boundary.



Image 5 - Metal stockpile with limited separation distance between waste and site boundary

END-OF-LIFE VEHICLES

The depollution bay is now fully operational (as per image 7). The flooring infrastructure was in excellent condition which is all linked to the sites interceptor drainage system. Removed vehicle tyres were stored in a tidy manner, with appropriate separation

from flammable materials or ignition sources. These are transported to an appropriate waste contractor once a certain tonnage is reached - please remember to declare these on waste return submissions.

The general housekeeping on the site was in good condition with no major amounts of loose debris located on the floor. It was noted that, one area of the section contained a pooling of excess oil (see photo 1). Staff were aware of this and were working to clean up the residual pollutants with appropriate clean-up kits.



Photo 6 - Pool of residual oil located near ELV section of site

It was noted that, the scrap vehicles on site were stored higher than the recommended three-vehicles-high. This concern was raised at the time of the inspection and the operator stated that this would be immediately actioned. Please see below the extract from the UK Government website regarding the storage of whole ELV's. This information can also be found on [Fire prevention plans: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/fire-prevention-plans-environmental-permits) - section 10.



Photo 7 - Fully operational ELV depollution bay



Photo 8 – consecutive stacking of vehicle shells

10.1 Whole ELVs

You must set out in your fire prevention plan how you will store ELVs. Each vehicle must be accessible from at least one side:

- to allow active firefighting
- so unburnt vehicles can be accessed and moved to prevent the fire spreading

These rules will limit any row to a depth of 2 vehicles.

Where you store vehicles one on top of another, or on racking, you must limit this to 3 vehicles high so the stack can remain stable during a fire. You must maintain a separation distance of 6m between rows or blocks of vehicles.

Extract from UK Government website regarding fire prevention plans with environmental permits

REPORTED NOISE ISSUES AND PERMIT COMPLIANCE

NRW are still receiving large volumes of reported incidents regarding noise, odour and excessive stockpiling of waste said to be causing disturbances and impacts to the local community.

During the week of 9 August, NRW Officers attended the Coed y Felin estate to substantiate noise complaints and reports of excessive stockpiling of waste. When in the estate, Officers noted loud volumes of noise to be emanating from the premises and reaching housing. These instances of noise coincided with customers off-loading/depositing material in yard and the moving of these volumes around the yard. Whilst these are normal activities to be expected of metal recycling yard, the operator had excessive stockpile dimensions of metal waste stored on site at the time of the reported incidents.

The depositing, movement and management of these larger stockpiles were what Officers perceived to be contributing to the noise issues that were impacting the local receptors. Therefore, because the operator was not using appropriate measures at the time of the report (i.e. storing compliant stockpile sizes), this has been categorised as a permit breach.

The operator stated that, the reason for the build-up of material was due to haulage issues and outlets requesting scrap material whole (as opposed to shredded). This increases the surface area of stored material and the subsequent size of the piles. Additionally, it was said that the material had been pushed together to create room, instead of being spread out to lessen the height. NRW has previously spoken with the operator with regard rejecting material if there is not suitable capacity on site to compliantly accept material - this message was understood.

The operator is continuing to respond to all reported amenity complaints in a timely manner. Thank you to the operator for continuing to carry out this reporting action. It should be noted that, the operator has already actioned the reduction of its stockpile sizes to complaint levels and has, again, taken on board Officer comments. The site intends to conduct its own acoustic testing and monitoring to demonstrate its noise containment.

Noise Prevention Plan

Going forward, the needs to continue to use appropriate measures and operating techniques at all times to reduce potential impacts. These are referenced in your noise prevention plan, such as:

- dropping of material from heights
- appropriate turning/movement of waste
- wind direction at the time of activities
- appropriate use of plant machinery
- compliant stockpiles sizes

Failure to follow these actions can result in the escalation of amenity permit breaches.

PLANNING PERMISSION

On Thursday 15 July 21, the site's planning permission application for continued use as a waste transfer station was refused by the Torfaen County Borough Council Planning Committee. It has been declared that, the operator intends to take this decision to be appealed. SL Recycling Limited can legally continue to operate their waste activities under the environmental permit until an appeal is heard.

As the environmental regulator, we need to ensure that the operator is running the site in compliance with its permit conditions throughout this period. It was mentioned that, there should be no excuse to let operations slip into non-compliance because of the recent planning permission verdict.

WASTE RETURN SUBMISSIONS

The last waste return submission on NRW's document management system is for the 2020 annual. To clarify, the frequency of submission for the waste returns for the SL Recycling, Pontypool, Site (EPR/BB3299FN) are as follows:

- Standard rules SR2012 No14 – Metal recycling, vehicle storage, depollution & dismantling (authorised treatment) facility – **ANNUAL**

AND

- Standard rules SR2008 No3 - household, commercial and industrial waste transfer station with treatment - **QUARTERLY**

An email to the operator clarifying the above was sent on 22 February 2021. To date, no further waste returns have been submitted to NRW. Please can the operator submit outstanding return data.

Officers left site at 13:00.

If you have any issues with this report please contact Greg Gardner on greg.gardner@cyfoethnaturiolcymru.gov.uk and / or Alex Bowder Alex.Bowder@cyfoethnaturiolcymru.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.