

Compliance Assessment Report CAR_NRW0038630

Permit being assessed: EP3830GH.

For: Liberty Steel Newport Ltd, held by Liberty Steel Newport Ltd

At: Corporation Road, Newport, NP19 4XE.

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

On 16/08/2021 between 13:30 and 15:00.

Parts of permit assessed: 2.3.3, 2.3.1

NRW Lead Officer: Gareth Richards, accompanied by Ian James.

Report sent to: Richard Steed, Environment Manager on 25/08/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3.1
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3.3

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
C4	Remove all waste stored on site longer than the permitted 9 months	31/10/2021
C4	Remove all loose RDF from the installation	31/10/2021

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

The site visit was arranged in order to be updated on the continuing non-compliance in respect of the storage on site of baled RDF and loose RDF. In addition it was an opportunity to view the waste being stored, be updated on legal proceedings against the owner of the loose RDF and be informed of the measures in place to minimise the potential for a fire.

Liberty Steel are continuing to pursue a legal claim against the owners of the loose RDF. Progress has been delayed due to the impact of COVID upon court processes, however, the proceedings were advised to be close to reaching the point where recovery of assets would be undertaken. These would be used to cover the cost of removal of **all** waste (baled and loose RDF) from the installation. There was a plan to achieve this using rail transport direct to an already identified point of disposal.

The stored waste was inspected. This was largely undercover, the exception being the extremity of the pile and that some of the roof sheeting was missing, or, in a poor condition. The wrapping for some of the baled RDF is showing signs of significant degradation. In some instances this has been repaired, but the contents of some bales is exposed. At present there was no indication that the contents (the bulk of which appeared to be light plastic rather than RDF) were escaping and being distributed around the site by the wind. However, the longer the current situation continues the greater the risk of this occurring. The loose RDF was stored in proximity to the baled RDF, at its maximum it was estimated to be approx. 8m high. The waste was dry, finely divided and incorporated a significant proportion of small hard plastic pieces. Some of the waste was already supporting vegetative growth. There was no surface evidence of any combustion, neither was there any smoking or steaming. The 24/7 designated fire watcher (arranged and financed by the waste owners) was using a small portakabin as an office, power was being provided by a small diesel generator. He had at his disposal a small JCB digger, temperature monitoring equipment and a water supply. He informed us that it was not unusual to need to investigate several instances of the early stages of self heating, as indicated by the release of smoke, each day. This reinforced the importance of ongoing continuous surveillance to prevent a large scale fire. If Liberty had any indication that the fire watch would be withdrawn then they would need to make immediate alternate arrangements. **Action (1): Liberty Steel.**

The diesel being used to fuel the generator was being stored in an IBC. The generator tank was most likely being filled using plastic cans that were filled from the IBC. The IBC outlet was dripping and there was evidence of diesel on the ground. Appropriate measures must be taken to improve handling of the diesel, avoid small spillages, raise the IBC onto a bunded platform and clean up any spillages. Liberty Steel should provide appropriate equipment. **Action (2): Liberty Steel.**

Liberty Steel are taking active measures to recover funds from the third party who left the loose RDF on site, although this is leading to an **unacceptable delay** in returning the site to compliance. The measures adopted to ensure the RDF does not self ignite seem proportionate and effective and are essential. On this basis the ongoing environmental risk

is considered low. However, it remains of utmost importance that all the non-compliant waste is removed with minimal further delay. The ongoing non-compliances have been scored again to record the position and ensure Liberty resolve the situation.

NRW must be kept informed of further developments. **Action (3): Liberty Steel.**

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.