

Compliance Assessment Report CAR_NRW0038784

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 2108112).

On 28/09/2021 between 10:55 and 11:20.

Parts of permit assessed: Various

NRW Lead Officer: Jonathan Lee.

Report sent to: Kayleigh Parsons, Permit Holder on 01/10/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B4 - Infrastructure - Containment of stored materials	C2 Significant	5.1.4

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

Total number of non-compliances recorded	Total non-compliance score
1	31

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
B4	Remediate minor spillages of residual ELV fluids on site, ensure any future spillages are managed. Install appropriate secondary containment measures, ensure all oil contaminated parts are stored within dedicated appropriate containers. Inspect site drainage system and complete any maintenance as required to ensure efficient operation.	29/10/2021

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.

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

Officer Jonathan LEE in attendance of RDA Recycling Limited, Commercial Lane, Risca to complete a compliance inspection of the permit **EPR-NP3895FH**. Weather was clear but site surface wet due to heavy rainfall on previous day. Officer LEE met with permit holder and site TCM Kayleigh PARSONS.

The inspection was made in response to incident report *WIRS 2108112*, which was logged at 16:40pm on the 28th September 2020 by the NRW Incident Communication Centre.

Inspection Observations

The site was operational at the time of the inspection with End of Life Vehicles (ELVs) being dismantled and baled. It was noted that a large quantity of tyres had been recently removed from the site. It was also noted that a collection of baled ELVs had been arranged and was due to be completed shortly. Separation distances between and storage of ELVs (depolluted and awaiting depollution), and stockpiles of residual wastes on site had improved since previous compliance inspections. However, there were several spillages of oil and residual ELV fluids present on the concrete surface, particularly to the rear of the site where depollution activities are completed, and engines are stored.

On the lane outside of the permitted site boundary it was noted there was an oil-based sheen on pools of water present from heavy rainfall the previous day. Visible sheens of oil and fuel could be seen on the entrance to the site. Staining of oil could also be seen on the entry to drainage gullies on site. It was noted that the site had experienced issues with drainage on site partly due to the heavy rainfall on the previous day. Staff on site had used absorbent padding around some site drains, however, it was clear that some of the oil-contamination had by-passed the site drainage system and exited site onto the lane outside of the permitted boundary. Photographs and details submitted by the reporter of incident *2108112* clearly showed contaminated water exiting the site and entering the surface water drainage network.

Compliance Breaches

The following permit breaches were identified during the inspection.

B4 – Containment of stored materials – Category 2 Breach – Permit condition 5.1.4

Permit Table 5.1 d) control and remediation of leaks and spillages states that ‘minor spillages of oil, fuel or other end of life vehicle fluid shall be cleaned up immediately, using sand or proprietary absorbent to clean up liquids and placed in alternative containers.’

Permit Table 5.1 d) ii) control and remediation of leaks and spillages states that ‘major spillages of oil, fuel or other end of life vehicle fluids which are causing or likely to cause polluting emission to the environment:

- Immediate action shall be taken to contain the spillage and prevent liquid from entering surface water drains, water courses and unsurfaced ground
- The spillage shall be cleared immediately and placed in alternative appropriate containers
- The Agency shall be informed.

Table 5.4 b) i) requires oil contaminated parts to be segregated by type and stored within dedicated appropriate containers that are fit for purpose.

During the inspection it was evident that there had been several spillages of End of Life Vehicle (ELV) fluids (oil, fuel etc) and an accumulation of oil-staining of the impermeable surface across the site, but particularly

in the area of the site used for the storage of depolluted vehicles, engines and vehicle parts. The spillages on site had not been cleaned up appropriately and were entering the drainage system and into the surface water network on the lane outside of the permitted area. This is partially considered the cause of oil-contaminated water able to leave the site.

The other cause of the oil contaminated water exiting site is considered to be the lack of maintenance and inspection of the interceptor and drainage system on site. Permit condition 3.1.2, Table 3.1 requires the routine inspection and maintenance on the site drainage system to ensure that it remains effective. Table 3.1 (g) states that sealed drainage systems shall be inspected no less frequently than monthly.

Heavy contamination with oil and fuel will potentially reduce the effectiveness of the interceptor on site. The interceptor is designed to be the final resort for collecting polluting liquids. Spillages on site and the storage of oil contaminated waste on site needs to be better managed to see that polluting liquids do not enter the drains on site. This is imperative with potentially heavy and prolonged periods of rainfall expected during the coming winter months.

You have been scored a **Category 2 Breach** of permit condition 5.1.4 for failure to ensure that spillages of oil, fuel and ELV fluids are cleaned up immediately and appropriately.

Actions:

- 1). Remediate all spillages of residual ELV fluids on site, ensure any future spillages are managed.**
- 2). Install appropriate secondary containment measures, ensure all oil contaminated parts are stored within dedicated appropriate containers.**
- 3). Inspect site drainage system and complete any maintenance as required to ensure efficient operation.**

A deadline of the **29th October 2021** has been set to rectify this non-compliance.

Failure to comply with this may result in **further enforcement action** being taken against you.

Summary

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.