

## Compliance Assessment Report

Report ID:  
CAR\_NRW0034119

This form will report compliance with your permit as determined by an NRW officer

Site	KDK Metals Unit	Permit Ref	AB3797ZE		
Operator/Permit holder	KDK Metals Limited				
Regime	Waste Operations				
Date of assessment	22/10/2018	Time in	11:00	Out	11:40
Assessment type	Site Inspection				
Parts of the permit assessed	All				
Lead officer's name	Bowder, Alex				
Accompanied by	Warwick-Brown, David				
Recipient's name/position	Paul Dare and Helen Dare/ Operations Manager and Accounts Manager	Date issued	29/10/2018		

### 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
A1 - Specified by permit	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	A	
B5 - Infrastructure - Plant and equipment	A	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	A	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
D1 - Incident Management - Site security	A	
F1 - Amenity - Odour	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

**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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Officers Alex BOWDER and David WARWICK-BROWN attended KDK Metals Ltd, NP44 1EE at 11:00 on Monday 22<sup>nd</sup> October 2018 to carry out an introductory inspection of permit **EPR-AB3797ZE**. Met with business Director Paul Dare and Accounts Manager Helen Dare who accompanied Officers around the yard and explained the business processes. Weather conditions were mild and dry at the time of visit.

To remind the business following each visit Natural Resources Wales will produce a Compliance Assessment Report (CAR) detailing our comments from the inspection. If we substantiate reasonably foreseeable risks or actual impact to the environment, we can breach the business against your permit conditions which can affect your site banding and annual subsistence fees; this is scored on a Category 1 - 4 basis:

- [1]** - Major, serious persistent and/or extensive impact on the environment/people/property
  
- [2]** – Significant impact on effect on the environment/people/property
  
- [3]** – Minor impact or effect on the environment/people/property
  
- [4]** – A non-compliance which has no potential environmental effect

Permit issued to KDK Metals Ltd on 09/04/18. No previous CAR form actions as the site was non-operational.

### GENERAL OBSERVATIONS

The maximum quantity of waste accepted and processed on site shall not exceed 2,499 tonnes per annum.

Infrastructure and drainage was fine at the time of inspection - drains were unblocked and clear. Any surface water falls into gully pots and connects to the foul sewer. It was good to see the site using spill kit sawdust material to alleviate water pooling in the yard.

As there is no interceptor system in place, all treatment involving the depollution of vehicles must be carried out inside a unit. There was no evidence of depollution outside at the time of inspection.

Spoke about bunding the area around the storage tanks for diesel and oils. This is not a direct requirement of the permit, however contingency plans should be in place to be able to deal with events such as spillages or leaks to ensure all hazardous liquids are contained.

There were two large piles of scrap metal stored outside in the yard, that are said to be taken away to third parties for recycling/recovery. Once depolluted, ELV shells are put through a shredder and then fed into a compacter. Maximum stack heights were discussed and mentioned about not exceeding the three-high limit.

It was mentioned that the business drains vehicle shock absorbers. This is good to see as this is a common issue in ELV sites - there is a push from NRW to get all operations fully de-polluting their vehicles in line with the ELV Directive.

Officers were shown the depollution area and the suction equipment used for extracting hazardous components; thank you for demonstrating this. Spoke about the security of the site and surveillance measures in place.

## **TECHNICALLY COMPETENT MANAGER (TCM)**

Section 1.1.4 of the permit states that the operator must comply with the requirements of an approved competence scheme. The allocated TCM for the site is Helen Dare who is currently completing a VQ WAMITAB qualification course – Ref No: LS/LEB/50/08.

Officers were shown certificates of destruction records and provided a letter detailing the WAMTAB assessment. The qualification will require the continuing competency refresher course every two years to remain valid. Please remember to enrol on this course once expired.

## **FIRE PREVENTION AND MITIGATION PLAN (FPMP)**

Condition 3.4 requires the operator to manage and operate site activities in accordance with a written FPMP:

*"The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance."*

The document was received in January 2018. Please ensure the procedures set out in the document are implemented on site and updated accordingly with operation changes.

## **ENVIRONMENT MANAGEMENT SYSTEM (EMS)**

This document was submitted with the permit application. Please bear in mind the EMS is designed to be a live document that is consulted daily and updated with any operations changes.

We will aim to look at the EMS document in more detail in 2019.

## **WASTE RETURN DOCUMENTS**

Condition 4.2.2 states: *"Within one month of the end of each year, the operator shall submit to NRW using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous year."*

These are required **annually** and will be due in January 2019.

## HAZARDOUS WASTE RETURNS

Hazardous waste consignee returns are required to be completed to inform us about the hazardous waste consignments that have been received, removed or disposed. They are a compulsory requirement of the Hazardous Waste Regulations 2005.

You must send us a consignee return reporting what hazardous waste has been received or disposed of at your premises or place where it is produced, every quarter.

More information can be located on our website:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/hazardous-waste-returns-1/?lang=en>

**You must provide a return reporting your activities for each three-month period (quarter), within one month of the end of that quarter:**

QUARTERLY RETURN PERIOD	RETURN SUBMISSION DEADLINE
<b>Q1</b> 01 January - 31 March	30 April
<b>Q2</b> 01 April - 30 June	31 July
<b>Q3</b> 01 July - 30 September	31 October
<b>Q4</b> 01 October - 31 December	31 January

If you have any issues with this report please contact Alex Bowder on 0300 065 3394 or [alex.bowder@naturalresourceswales.gov.uk](mailto:alex.bowder@naturalresourceswales.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***

In addressing the points raised above it should not be relied upon to mean that the measures are considered to represent appropriate measures covering every eventuality through operation of the permit.

**Your FPMP should be kept under constant review to ensure measures remain effective. You must also ensure that the plan is fully implemented on site at all times. The plan should be revised where necessary in accordance with Section 24 - Reviewing and Monitoring your Fire Prevention & Mitigation Plan of the guidance.**

In a future compliance assessment visit, we will undertake an assessment of your compliance with your FPMP.



## EPR Compliance Assessment Report

**Report ID:  
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Site	KDK Metals Unit	Permit Ref	AB3797ZE
Operator/Permit holder	KDK Metals Limited	Date	22/10/2018

### 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.

### 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			

## 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](mailto: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.