

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

Site	Lelo Metal Recycling Ltd	Permit Ref	EB3038RW		
Operator/Permit holder	Lelo Metal Recycling Ltd				
Regime	Waste Operations				
Date of assessment	06/09/2019	Time in	09:55	Out	10:45
Assessment type	Site Inspection				
Parts of the permit assessed	specified by permit; site drainage and engineering; storage, handling, labelling, segregation; management system and operating procedures; site security				
Lead officer's name	White, Steven				
Accompanied by	Henderson, Amy				
Recipient's name/position	Gari Jones/ Site Manager/TCM	Date issued	01/10/2019		

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	C3	1.1.1 a (EMS condition 3.5.1 i), 2.4.2
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	A	
C4 - General Management - Storage, handling labelling and Segregation	X	
D1 - Incident Management - Site security	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	1	Total compliance score (see section 5 for scoring scheme)	4
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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

This was an unannounced inspection by Regulating Officers Steven White and Amy Henderson, Site Manager Gari Jones was not on site at the time of the visit but officers were accompanied by Mervyn Jones throughout.

Specified by permit

Lelo Metals is midway through a considerable program of site improvements including concreting the entire yard, construction of an extra 26 bays, extending the perimeter wall and building new offices and ferrous/non-ferrous areas. When the site improvements are complete you will have to update your site EMS to show the extensive changes to the site operations and layout.

Site drainage and engineering

The depollution area was checked, as there was no activity on site at the time of the visit this was not in use, a car was observed in the building but was not being worked on (see photo below). The depollution bay and surrounding area drains to a large interceptor; this was emptied, serviced and cleaned 2 months prior to the inspection.



Depollution building

Storage, handling, labelling, segregation

Batteries were stored in adequate boxes, however, they were stored outside, on hardstanding and without any weatherproof covering (see photo below). This was due to the extensive site improvements which meant that there was no building space available to store the batteries. On discussions with Mervyn it was agreed that temporary weatherproof covering such as a tarpaulin sheet should be used to cover the boxes until building space becomes available. This needs to be put in place immediately as there is the potential for rain ingress and a failure of containment.

This is a breach of the requirements of permit condition 2.4.2 which states that storage of batteries shall "take place in sites with impermeable surfaces and weatherproof covering or in suitable containers". In this instance the containers are suitable but are not weatherproof or on impermeable surfaces; subsequently a C3 breach has been scored

against this permit condition.

Section 3.5.1 (i) of the site Working Plan also details the storage of batteries should be in "purpose made acid proof containers capable of holding the contents of the batteries placed in it. Containers can hold up to 1 tonne of batteries and will be covered" The batteries were stored in IBC's which were very full and had no more room for any more to be stored in them, there were some battery boxes on site but these were damaged and had potentially lost their containment capabilities (see photo below). A C3 score for breaching this section of the Working Plan has been consolidated with the Permit condition breach discussed above.

These scores have been consolidated into a CCS C3 breach against the EMS/Working Plan condition (1.1.1 a) of the permit; this is because the root cause of the breach is a failure to manage the waste properly in accordance with the site EMS.

Waste batteries must be stored in suitable (sealed) containers or on impermeable surfaces with weatherproof covering, ideally indoors. I understand that the site is undergoing significant improvements but if suitable containment of batteries cannot be achieved on site then you must not store waste batteries on site. The batteries should be moved indoors, or to an area of impermeable ground with suitable weatherproof containers; this must be done by two weeks from the date of issue of this CAR form - that is by Tuesday the 15th October 2019. Can you inform me as soon as this has been carried out.



Batteries observed in uncovered IBC's on hardstanding

The storage and potential treatment of WEEE was discussed; currently the EPR permit at Lelo Metals does not allow WEEE to be accepted and treated on site. In order for this waste type and activity to be included in the permit you will need to apply for a permit variation. In the meantime a S2 exemption has been registered for the temporary storage of WEEE (up to 400 cubic metres); this waste must be kept completely separate from other waste activities – in a designated segregated area - this area then cannot be used to carry out your permitted activities. The WEEE would have to be stored on an impermeable surface with sealed drainage, and also have weatherproof covering and it cannot be mixed in with any other materials and it cannot be treated on site. Advice on the storage and treatment of WEEE on site has been sent in a separate email.

There were various piles of wastes observed on site during the visit including scrap metals, cables, lead, depolluted (and crushed) ELV, metal fines and tyres (see photos below).



In the (locked) area of the yard where materials for re-use are usually kept there are still a large number of tyres from the dissolved company GMR. These need to be removed from site as they are stored close to the River Clwyd and if they were to ignite could cause a significant pollution risk to the air and to the watercourse from runoff.

There were a couple of engines that were due to be exported for re-use, as they are to be used again for their original purpose they are not classed as a waste, however they do require to be under cover to prevent the impact of any remnants of oils etc.

There is good site security at Lelo with at least 14 CCTV cameras covering the site and a high perimeter fence that is also due to be upgraded as part of the site improvements.

Gari Jones and Mervyn Jones are the current TCMs for Lelo - the WAMITAB certificates for both are up to date.

Thank you for your time during the inspection, please find my contact details below.

Regards

Steven White

Senior Environment Officer (Waste Regulation Team)

Direct dial 03000 653 913

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 2012.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035711**

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

Site	Lelo Metal Recycling Ltd	Permit Ref	EB3038RW
Operator/Permit holder	Lelo Metal Recycling Ltd	Date	06/09/2019

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			
C4	X	score consolidated with A1 breach	15/10/2019
A1	C3	Batteries should be moved indoors, or to an area of impermeable ground in weatherproof containers prior to removal from site.	15/10/2019

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.