

Compliance Assessment Report CAR_NRW0039048

Permit being assessed: AP3798FB.

For: E.J. Metals Recycling Ltd, held by EJ METALS RECYCLING LTD

At: Creuddyn Bridge, Lampeter, Ceredigion, SA48 8BA.

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

On 09/12/2021.

Parts of permit assessed: See criteria listed below

NRW Lead Officer: Ffion Quan, accompanied by Malcolm Dines.

Report sent to: Evan Jones, Owner/operator on 12/01/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	C3 Minor (Suspended)	Condition A as set out in Paragraph 1(1) of Part 3 of Schedule 9 of The Environmental Permitting Regulations 2016
C2 - General Management - Management system and operating procedures	C3 Minor (Suspended)	Condition A as set out in Paragraph 1(1) of Part 3 of Schedule 9 of The Environmental Permitting Regulations 2016
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor (Suspended)	Condition A as set out in Paragraph 1(1) of Part 3 of Schedule 9 of The Environmental Permitting Regulations 2016

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

Total number of non-compliances recorded	Total non-compliance score
3	0

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
C1	NRW will require the site operator to comply with the required	12/01/2022

Criteria	Action needed	Complete by
	TCM attendance of 25% of the time that the site is open - 10 hours per week on site. See below.	
C2	Please submit an updated EMS to NRW.	31/03/2022
D2	Please organise for the FRS to visit and assess the fire risk on site. Include the liaison with FRS as a part of your EMS.	31/03/2022

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

Outstanding Actions from CAR_NRW0038791.

- 1) Environment Management System
- 2) Visit from the FRS to assess fire risk on site

Environment Management System

An action on the previous CAR_NRW0038791 was to submit an updated Environmental Management System to NRW by 06/12/2021. Subsequent to not receiving the EMS by the required timescale, the officer contacted you and the site TCMs. It is understood that you have not been able to progress the Environment Management System to a point where it's a workable document, this is due to your TCMs only being contracted to 8 hours per month on site. After discussions regarding the outstanding actions, your TCM has provided a timescale of June 2022 to submit the required updated EMS. Please note that previous CAR_NRW0038441 states that you must have a TCM for **at least** 8 hours a month.

As your TCMs are not able to produce the required work by the expected timescales and we do not believe that the timescale of June 2022 provided is acceptable, we now feel it's necessary that you must comply with the required TCM attendance of 25% of the time that the site is open. Your TCMs are now required to be in attendance on site 10 hours per week, in order to ensure that the compliance actions are met.

Please note that although there is no permit condition that specifically requires the provision of a TCM, paragraph 9.10 and 9.11 on page 57 of the the Environmental

Permitting (England and Wales) Regulations 2016 EP Core Guidance requires that 'The operator's wider management system should contain mechanisms for assessing and maintaining technical competence. All individuals that make up the technically competent management for any activity must be in a position to control the day-to-day activities authorised by the permit'.

Due to ongoing work to meet these above compliance actions and the amount of time your TCMs are contracted to be on site and therefore unable to achieve the amount of work required, we are suspending the above scores for the meantime. Please ensure that the TCM attendance is increased as soon as possible and other actions above completed no later than 31/03/2022. If you do not meet the requirement of the technical competence and deadlines for the required compliance actions, scores will not be suspended subsequently.

IMPORTANT NOTE

Given the amount of progress that was made over the summer months it is disappointing that these deadlines have not been met and no communication was received with regard to not being able to meet the deadlines set. Please also be mindful that until the actions are complied with, it is reasonably foreseeable that any further breach of these conditions would result in environmental harm and therefore would be given a higher CCS score.

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.

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.