

## Compliance Assessment Report

**Report ID:**  
**CAR\_NRW0032378**

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

Site	Abertawe Metals Ltd Transfer Station	Permit Ref	HB3490HK		
Operator/Permit holder	Abertawe Metal Recycling Ltd				
Regime	Waste Operations				
Date of assessment	21/09/2017	Time in	14:00	Out	16:30
Assessment type	Audit				
Parts of the permit assessed	Operational area, paperwork and management systems				
Lead officer's name	Bacon-Weekes, Liane				
Accompanied by					
Recipient's name/position	Richard Williams/ Managing Director	Date issued	02/11/2017		

### 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	C2	2.2.1
C1 - General Management - Staff competency/training	C3	1.1.4
C2 - General Management - Management system and operating procedures	C3	1.1.1(a)
C3 - General Management - Materials acceptance	C3	2.3.2(a) 2.3.2(b)
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.2.2

**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.

<b>Number of breaches recorded</b>	<b>5</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>47</b>
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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 site inspection was conducted on the 21<sup>st</sup> September 2017 by Liane Bacon-Weekes and accompanied by Mr. James Lerner (Site Supervisor). It was an announced inspection, and focussed on permit compliance, waste duty of care, hazardous waste consignment, management and operating procedures, reporting, technical competence and infrastructure.

Your Environmental Permit lists conditions that you are legally required to comply with. Breaching these conditions will result in compliance scores and can lead to enforcement action. The main features of your environmental permit allow you to operate a waste transfer station with treatment and end of life vehicle depollution facility.

Some improvements have been made since my previous visit and include a filing box to store duty of care notes, and a file for keeping records of waste carrier and scrap metal licence checks. However, there remains several permit non-compliances that need to be addressed.

**The findings of the inspection are as follows:**

### **Storing waste outside the permit boundary**

Condition 2.2.1 states that “activities shall not extend beyond the site, being the land shown edged in the green on the site plan at schedule 7 to this permit”. During the inspection, a large number of waste vehicles were being stored on an area of land adjacent to the site. This area, is beyond the boundary of the permit, and therefore you are not authorised to store waste in this area.

NRW notes that storing waste vehicles in this area has been raised previously and highlighted in CAR ID 12062015/103560/DM and CAR ID 103560/0204571.



Due to the number of vehicles, and the lack of appropriate infrastructure this is considered a significant permit breach.

**This has been scored a CCS 2 breach of permit condition 2.2.1 under A1 Permitted activities – specified by the permit.**

**ACTION: An Environmental Protection Act (EPA) 1990 Section 59(1)(a) Notice will be served requiring the removal of waste from this area by a specified date.**

### **Environmental Management System (EMS)**

Condition 1.1.1(a) of your Environmental permit requires that you operate the site in accordance to a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidences and non-conformances. It is a breach of this permit condition if the measures in the EMS are not followed or do not accurately reflect or assess the risks of the site activities. It is noted that your current working plan does not accurately reflect current activities on site or provide sufficient details on risk management.

**This has been scored a CCS 3 breach of permit condition 1.1.1(a) under C2 General Management - Management systems and operating procedures**

**ACTION: The existing working plan, along with the site plan, needs to be reviewed and up-dated so that it accurately reflects activities on site. An Environmental Permitting Regulation (EPR) 2016 Regulation 36 Notice shall be served requiring the existing written management system to be reviewed and up-dated by a specified date.**

### **Technical Competent Manager (TCM)**

Condition 1.1.4 of your permit requires that the operator shall comply with the requirements of an approved competence scheme. I can see from previous inspection reports that this is an issue that has been outstanding for some time. Mr James Larner noted that he was in the process of obtaining his WAMITAB qualification and that it should be completed by December. Failing to have a qualified TCM in place is a breach of condition 1.1.4.

**This has been scored a CCS 3 breach of permit condition 1.1.4 under C1 General Management –**

## **Staff competency and training.**

**ACTION:** You are required to employ a suitably qualified TCM and provide copies of their qualification certificates to NRW. An Environmental Permitting Regulation (EPR) 2016 Regulation 36 Notice shall be served requiring the above details be provided to NRW by a specified date.

## **Waste Acceptance and waste acceptance checks**

Condition 2.3.2 states that “waste shall only be accepted if:”

- a) It is of a type and quantity listed in schedule 2 tables S2.1 and S2.2 and
- b) It conforms to the description in the documentation supplied by the producer and holder.

During the inspection, it was noted that you were accepting waste vehicle batteries which are not a permitted waste stream. If you wish to accept this waste stream, then you are required to vary your permit this waste.

**Accepting non-permitted wastes has resulted in a CCS 3 breach of condition 2.3.2(a) under C3 General Management – Waste acceptance.**

**ACTION:** You are required to stop accepting vehicle batteries until the permit has been varied to allow them to be accepted.

During the inspection, it was also noted, that waste is often accepted without a Waste Transfer Note (WTN). Accepting waste without a WTN is a breach of condition 2.3.2(b) of your permit and of Duty of Care legislation. In cases, where the waste arrives without a WTN, and no season ticket is in place, it is advisable that you complete a WTN detailing the description of the waste, the correct EWC waste code and details and information on the producer and carrier. Copies can be issued to the holder and retained for your records.

**Accepting waste without a WTN has resulted in a CCS 3 breach of condition 2.3.2(b) under C3 General management – waste acceptance.**

**ACTION:** Ensure that all waste accepted is accompanied with an accurate WTN.

## **Waste Returns**

Under condition 4.2.2, you are required to submit quarterly waste returns within one month of the end of each quarter. Our records show that you have not submitted any waste returns for 2016 or 2017. On the 5<sup>th</sup> January 2017, you received a category 4 score for this breach (CAR ID: CAR\_NRW0026839) and it was advised that failing to meet future deadlines would result in an escalation of our scoring category.

**This has been scored a CCS 3 of condition 4.2.2 under G4 Monitoring and Records, Maintenance and Reporting – Reporting and Notification.**

**ACTION:** You are required to submit all missing waste returns starting from Q1 2016. An Environmental Permitting Regulation (EPR) 2016 Regulation 36 Notice shall be served requiring the waste returns to be submitted by a specified date.

## **Oil Seepage through concrete wall**

During the inspection dated 12<sup>th</sup> June 2015, oil was found to be seeping through the base of the

concrete boundary wall and this was highlighted and scored on the CAR form (ID: 12062015/103560/DM). During this inspection, I was unable to gain access to this area to see if this issue had been rectified. Paperwork evidencing remedial work was also not available.

**For our records, please can you confirm, in writing, the improvements that were undertaken and date they were completed. Please submit this by 31st January 2018.**

### **Hazardous Waste Regulations**

All Hazardous wastes, when removed from site, should be accompanied by a Hazardous Waste Consignment Note. As the producer of hazardous waste, you must ensure these are completed correctly and that you receive hazardous waste returns from the receiving facility. During the inspection, some hazardous waste consignment notes were available on site, but for other hazardous waste streams, no paperwork was present. You must be able to demonstrate that the hazardous waste you produce has been managed and disposed of correctly. Failing to consign and maintain accurate records is an offence under the Hazardous Waste Regulations 2005.

Advice and guidance on duty of care requirements for hazardous waste can be found using the following links.

<http://naturalresourceswales.gov.uk/guidance-and-advice/environmental-topics/waste-management/moving-hazardous-waste/?lang=en>

<http://naturalresourceswales.gov.uk/guidance-and-advice/environmental-topics/waste-management/hazardous-waste-returns/?lang=en>

**A separate Warning Letter will be issued for the above offence and will be sent to you in due course.**

The inspection has identified several non-compliances some of which have been previously raised with yourselves. You are required to address these non-compliances and as mentioned in this report, an Environmental Permitting Regulations (EPR) 2016 Reg 36 Notice will be served highlighting the improvements required and the date in which they must be completed by. In addition to this, a separate Environmental Protection Act (EPA) 1990 Section 59(1)(a) Notice will be served on the waste vehicles being stored outside the permit boundary and this will also specify a date by which all the vehicles must be removed. Please be mindful that failing to meet the requirements of both Notices, by the required deadlines, will result in further enforcement action.

**To move forward, I would like to discuss the above Notices and agree appropriate, achievable dates for the actions to be complied with. These dates must be agreed no later than 30<sup>th</sup> November 2017; Therefore, please can you contact me, at your earliest convenience, to arrange a meeting date.**

END

## EPR Compliance Assessment Report

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CAR\_NRW0032378**

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Operator/Permit holder	Abertawe Metal Recycling Ltd	Date	21/09/2017

### 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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

### 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			
G4	C3	Submit to NRW all missing waste returns from Q1 2016 to current quarter	30/11/2017
C3	C3	Ensure all waste accepted are accompanied with a WTN. Ensure only permitted wastes are accepted on site.	30/11/2017
C2	C3	Review and up-date EMS	30/11/2017
C1	C3	Employ a qualified TCM and provide copies of qualification certificates	30/11/2017
A1	C2	Remove waste from non permitted area	30/11/2017

## 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.