

Compliance Assessment Report CAR_NRW0039226

Permit being assessed: BB3298HN.

For: Green Steel Works Ltd, held by Green Steel Works Ltd

At: Unit 6, Capital Valley Eco Park, Rhymney, Tredegar, Caerphilly, NP22 5PT.

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

On 18/01/2022 between 10:30 and 11:15.

Parts of permit assessed: Various

NRW Lead Officer: Jonathan Lee, accompanied by Anna Wilmshurst.

Report sent to: Milo Thomas, Director/TCM on 27/01/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C3 - General Management - Materials acceptance	C3 Minor	2.2.1
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3.1

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
C3	Ensure waste types accepted are only those listed within Table 2.2. Ensure no further unpermitted waste types are accepted onto site. Deadline is on receipt of this report.	27/01/2022
C4	Ensure site activities are carried out in accordance with Table 2.3. Non-specified wastes only to be stored and treated inside a building. A deadline of the 4th April 2022 has been given for this to be completed.	04/04/2022

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

Compliance Assessment Report – Green Steel Works Limited

Officers Jonathan LEE and Anna WILMSHURST in attendance of Green Steel Works Limited, Rhymney to complete a routine compliance inspection of the permit **EPR-BB3298HN**. Weather was cold, frosty and dry. Officers met with site managers Milo Thomas and Michael Bateman. The visit was arranged to conduct a routine inspection of the permitted area and introduce your new regulatory officer Anna WILMSHURST.

The permit conditions are under the standard ruleset **SR2008 No3 Household, commercial and industrial waste transfer station with treatment**.

It should be noted that Green Steel Works Limited also have two waste exemptions registered.

- NRW-WME047748 – Registered 10/12/2019 – S2 Storage of waste in a secure place – Grid Reference SO 11270 07020 (Land to east of Unit 6, Capital Valley Ind Est).
- NRW-WME055397 – Registered 21/09/2020 – S2 Storage of waste in a secure place – Grid reference SO 1284 06877 (Within Unit 5, Capital Valley Ind Est).

These waste exemptions are to be considered within this CAR form as both grid references are within the permitted area for permit BB3298HN.

An S2 Waste Exemption allows the storage of waste at a secure intermediate site, separate to where the waste was produced, before transportation for another site for recovery. There are duration limits, quantity limits and conditions listed that must be complied with under an S2 Exemption. Full details can be found online [S2 waste exemption: storing waste in a secure place - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/s2-waste-exemption-storing-waste-in-a-secure-place). The treatment of waste under and S2 exemption is not allowed.

The following conditions for 'scrap metal' waste codes are listed under an S2 Waste Exemption.

020110, 160117, 160118, 170401, 170402, 170403, 170404, 170405, 170406, 170407, 170411, 191202, 191203	scrap metal	15,000 tonnes	6
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Scrap metal:

- the storage place has sealed drainage
- the waste is stored at a dock before being exported or after being imported

A waste exemption can be registered within the permit boundary for a waste operation, however, Natural Resources Wales (NRW) **expect these activities to be clearly separate** with documentation to demonstrate

this. The operator must be able to demonstrate to NRW whether an activity is being carried out under a waste exemption or environmental permit. Site paperwork including Environmental Management System, waste returns and waste transfer notes should clearly document this.

Improvements on previous Compliance Matters

Previous compliance inspections have listed several actions to be taken by the operator: -

- Submission of Fire Prevention & Mitigation Plan for expanded permitted area – **COMPLETE AND AWAITING FULL DESK-BASED REVIEW**
- Submission of updated Environmental Management System (EMS) for expanded permitted area – **COMPLETE AND AWAITING FULL DESK-BASED REVIEW**
- Ensure site activities are carried out in accordance with Table 2.3. Non-specified wastes only to be stored and treated inside a building. - **INCOMPLETE**

Inspection Observations

- Weighbridge at site entrance now fully operational and being used as additional site office. One-way traffic system now being used for heavy goods vehicles, new signage with emergency contact information in place.
- Stockpiles of various fractions of non-specified wastes were being stored outside of the buildings but within the permitted area. This included storage of waste directly outside of the two buildings on site and within an open yard area to the East of Unit 6. No treatment of waste was being undertaken outdoors at the time of the inspection. Site managers advised that work to reduce stockpiles to the East of Unit 6 had been ongoing since previous compliance inspection. Site managers advised that due to height restrictions imposed by roller shutter doors to both units, incoming waste may be loaded/unloaded directly in front of buildings. NRW appreciate that wastes may need to be **temporarily** stored outside of site buildings due to these restrictions.
- The physical integrity of the surface in the area to the East of Unit 6 was discussed during the inspection. The area is not fully sealed due to cracks/gaps within the surface and lack of adequate direction of all run-off to a sealed drainage system. Site managers advised that a recent drainage survey for this area had been conducted, with consideration to the installation of a suitable interceptor. Officers requested copies of these plans.
- Waste mattresses were being stored solely within Unit 5. It was noted that recent machinery breakdowns had prevented shredding but otherwise treatment of this waste stream was continuing as per normal operations. Officers advised that regular monitoring and turnover of this waste stream should be conducted to reduce fire-risk, especially during warmer summer months. Construction of concrete 'legio' blocks to front of Unit 5 not being conducted at time of inspection.
- Variety of fixed plant machinery including picking station and screener operational inside Unit 6. It was noted that operator had recently received delivery of mobile 'wash plant' on site and there was intention to install this within Unit 6.
- Site managers advised that there is intention to consider a permit variation application for an expanded permitted area with addition to store and treat waste outside of the buildings on site.

Compliance Breaches

The following permit breaches were identified during the inspection.

C3 – General Management - Waste Acceptance – Permit Condition 2.2.1 – Category 3 Breach

Permit condition 2.2.1 states that waste shall only be accepted if (a) it is of a type and quantity listed in Table 2.2. Below. Table 2.2 gives a full list of waste codes allowed to be accepted.

Table 2.2 **does not** list the waste type 19 12 12 – *other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11.*

NRW have received evidence in the form of waste transfer notes that indicate waste classified by the producer as EWC 19 12 12 was sent to Green Steel Works Limited. On review of quarterly waste returns submitted and comparison against waste transfer notes submitted by the producer, it appears that this waste has been coded as EWC 20 01 40 metals by Green Steel Works Limited.

On review, NRW consider that EWC 19 12 12 has been accepted onto the Green Steel Works Limited site. Therefore, NRW also consider that quarterly waste returns have been submitted incorrectly.

A **Category 3 breach** has been scored on this occasion.

Action – Ensure waste types accepted are only those listed within Table 2.2. Ensure no further unpermitted waste types are accepted onto site. Deadline is on receipt of this report.

C4 – General Management - Storage, handling, labelling and segregation – Permit Condition 2.3.1 – Category 3 Breach

Permit condition 2.3.1 states that the activities shall be operated using the techniques and in the manner described in Table 2.3. below.

Table 2.3 Operating techniques

1. Unless stored or treated outside as specified waste³:
 - a) all bulking, transfer or treatment of waste shall be carried out inside a building;
 - b) all waste shall be stored in a building or within a secure container.
 - c) all waste shall be stored and treated on an impermeable surface with sealed drainage system.
2. Specified waste shall be stored and treated on hard standing or on an impermeable surface with sealed drainage system.

To note specified wastes permitted to be stored and treated outdoors are listed in condition 4.4. and shown in image below.

“specified waste” means the following waste codes in Table 2.2: 01 01 01, 01 01 02, 01 04 08, 01 04 09, 01 04 13, 02 04 01, 10 11 12, 10 12 08, 10 13 14, 15 01 07, 17 01 01, 17 01 02, 17 01 03, 17 01 07, 17 02 02, 17 03 02, 17 05 04, 17 05 08, 19 12 05, 19 12 09 and 20 02 02.

At the time of the inspection, it was evident that there remained stockpiles of ‘non-specified’ waste being stored outdoors. NRW appreciate that recently efforts have been made to reduce the quantity of waste and sizes of these stockpiles. However, stockpiles of waste have remained stored outdoors for a considerable length of time. The area where these stockpiles of waste did not benefit from a fully impermeable surface and a sealed drainage system.

The S2 Waste Exemption cannot be used to legitimise the storage of wastes in these outdoor areas. This is due to the area a) not having fully sealed drainage b) the location not being a dock and c) a waste type being stored outdoors is EWC 190102 and this waste type is not allowed under an S2 Waste Exemption.

At present, NRW consider that the waste being stored in the area to the East of Unit 6 as associated with the environmental permit EPR-BB3298HN and not the S2 Waste Exemption reference NRW-WME047748.

A **Category 3 breach** has been scored on this occasion. A breach has been scored on this occasion as the previous action within CAR_NRW0038433 has not been complied with.

Action – Ensure site activities are carried out in accordance with Table 2.3. Non-specified wastes only to be stored and treated inside a building. A deadline of the 4th April 2022 has been given for this to be completed.

If action is not taken to rectify this non-compliance, NRW may consider the scoring of further permit breaches and issuing further enforcement action.

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.