

Compliance Assessment Report

Report ID:
CAR_NRW0026873

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

Site	Fordpad Scrap	Permit Ref	PP3098FS		
Operator/Permit holder	Fordpad Ltd				
Regime	Waste Operations				
Date of assessment	05/01/2017	Time in	11:00	Out	12:00
Assessment type	Audit				
Parts of the permit assessed	general management, infrastructure, waste returns.				
Lead officer's name	Thomas, Ffion				
Accompanied by					
Recipient's name/position	Mr Giddings/ Site Manager	Date issued	07/02/2017		

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
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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

This Compliance Assessment Report (CAR) form has been completed following an unannounced site inspection of the Fordpad Ltd metal recycling facility on the 5th January 2016.

The site audit was undertaken by Ffion Thomas (PPC officer of the SW Wales Waste Regulation team) as part of planned routine EPR compliance work.

Scope of Visit/Agenda:

Site Engineering Condition 2.1

Fire Action Plan Condition 4.3.2

Site tour

Desktop reporting/notification checks.

AOB: Permitting advice

Audit findings:

Site Engineering Condition 2.1

Mr Giddings confirmed that there was no external sealed drainage system at the site. Only discharge is to ground.

The bulk of waste operations are undertaken within the site building.

This has an impermeable pavement and no internal drainage. The roof is in sound condition and

there was no evidence of rainwater ingress.

External yard storage is within sealed skips. The external yard area is made of hard standing, comprising gravel/stone.

At the time of the inspection there was no evidence seen of any permit breach of the engineering standards required by condition 2.1.2 Table 2.1.

ACTION: The external yard area is in need of general tidying and Mr Giddings confirmed this would be done by the end of the month

Within the building some pallet wood was seen. Mr Giddings explained the residual pallet wood was packaging material received from goods and not part of the waste operations. Wood is not a permitted waste type and so any waste wood generated by the business must be disposed of via a contractor or to a regulated business permitted to take the waste type.

Management systems and Fire Action Plan Condition 4.3.2

Mr Giddings confirmed the business no longer used the Green Triangle service (used in the past) The companies new computerised management system was capable of producing the same level of reporting and so the service is no longer required.

Mr Giddings confirmed the working plan of 2002 is the current version used. Ffion Thomas suggested this should be reviewed to ensure it is still relevant to today's activities. Pre-application discussions were held (and discussed below) which my lead to the need for a new Environment management System, if an application is made in the next couple of months the review of the working plan can be undertaken alongside an application, if no application is made a review of the working plan will be required.

Mr Giddings confirmed that a fire action plan is in place, and a requirement of insurance cover required an emergency services access plan. FPS arte used as fire extinguisher contractors and staff trained in use.

Ffion requested that Mr Giddings forward a copy of the sites fire action plan for NRW's records.

ACTION: Forward copy of fire action plan by 31 Jan (or otherwise agreed)

Site tour

An inspection of the site was undertaken. Apart from the pallet wood discussed above no nonconforming wastes were seen during the inspection. The building is in sound condition with no evidence of rainwater ingress. The impermeable pavement is in sound condition with no signs of

damage.

A storage area of iron filings was discussed as the store is segregated via concrete blocks, 3 high at its maximum. A recent incident at a waste site in England where concrete blocks used to construct a wall, such as the bund walls seen at Fordpad (though here of lesser height) failed leading to the crushing and death of workers raised a discussion regarding ensuring that storage bunds were of safe construction and no work activities were undertaken in proximity of the walls.

Whilst the root cause of the incident in England has not been determined, advice and guidance is to ensure any concrete block walls are assessed to ensure there is no undue pressure being exerted on the structure, to ensure the structure is sound.

The waste within the bund was seen stored up against the walls, this would be exerting pressure to the side of the walls. The blocks showed some signs of damage and the surfaces were not flush.

Mr Giddings was fully aware of the incident that had occurred and had previously received information on the topic. He confirmed the iron filings were due to be exported from site and that no work activities were undertaken in areas next to the walls. No further discussion was held at the time but Ffion Thomas expressed the need to carefully manage the risk of using blocks for wall constructions.

Action: Mr Giddings to confirm iron filings waste removed and block bund integrity improved to ensure minimisation of infrastructure failure. Timeframe: immediate, if confirmation not received by NRW by 11th Jan NRW will inform HSE of block bay existence.

Desktop reporting/notification checks.

Waste returns are required to be submitted annually. The site is required to make the submission by the 31st January. To date the return has not been received. **You are reminded to make your waste return submission to NRW.**

Hazardous waste checks were undertaken. Our system is showing that your registration has expired. Due to the fact your 2015 waste returns indicate that you store over 500Kg hazardous waste (batteries) per year you are required to register as a producer and submit consignee returns.

Further information on registering as a hazardous waste producer can be found at:

<https://naturalresources.wales/apply-for-a-permit/waste/register-as-a-producer-of-hazardous->

Our system is not showing any hazardous waste consignee returns for 2015/16. You must send us a consignee return reporting what hazardous waste has been received, and disposed of at your premises every quarter. There is a charge associated with consignee returns. Further details can be found at:

<https://naturalresources.wales/waste/hazardous-waste-returns/?lang=en>

Non Compliance of Hazardous Waste regulations.

The expiry of your hazardous waste producer status is a breach of the Hazardous waste regulation. Regulations 21 “where hazardous waste is produced, or removed from a premises, the premises must be notified to the Agency” (NRW)

Not submitting consignee returns quarterly is a breach of the Hazardous waste regulations. Reg 53 “Every consignee shall make a return, in these Regulations referred to as a consignee quarterly return, to the Agency of information relating to all consignments of hazardous waste received by him in any quarter..”,

A warning letter will be sent separately to this CAR form for these breach of the Hazardous Waste Regulations.

ACTION: Register as Hazardous waste producer immediately, forward confirmation of registration to Ffion Thomas and submit consignee returns for hazardous waste (battery waste).

AOB: Permitting advice

Discussions were held regarding the options to update the site permit. Mr Giddings suggested he'd like to look into alternative activities including end of life vehicle dismantling. Below I have provided a list of options, not exhaustive, and suggest Mr Giddings review his options and contact us when he wishes to pursue an application.

Standard Rules permits

Standard permits are a set of fixed rules for common activities. If you can meet the requirements you are entitled to have a standard permit. They have fixed charges. Further guidance can be found at:

Application forms for Standard Rules permits and guidance on how to complete them can be found at: <http://naturalresourceswales.gov.uk/apply-and-buy/waste-permitting/new-standard-permit-for-waste-operations/?lang=en>

There are 3 Standard Rules permits available that cover vehicle storage, depollution & dismantling. The main difference are the volumes of waste that can be accepted and stored on site and one also allows for the treatment of scrap metal on site therefore there are additional criteria for the storage and treatment of these types of waste.

The main details of these permits are outlined below for your convenience, however please ensure that you have thoroughly read all the information via the link provided above regarding the conditions within the permits and the associated risk assessments, and ensured that you will be capable of complying with them before applying for the permit.

SR2011_No3 - vehicle storage, depollution & dismantling (authorised treatment) facility.

<5000t/y

All wastes shall be treated on an impermeable surface with sealed drainage system.

Application: £1630

Subsistence: £779*

SR2011-No2 Metal Recycling site

<25,000t/y

All wastes shall be treated on an impermeable surface with sealed drainage system.

Includes storage of batteries. Lead acid batteries must be stored in containers with an acid resistant base and lid to prevent ingress of water.

Metal filings and turnings shall be stored in containers with impermeable base and a cover to prevent ingress of water. No more than 50 tonnes shall be stored at any one time.

Application:£1630

Subsistence:£1,281

SR2008_No20 - vehicle storage, depollution & dismantling (authorised treatment) facility.

<75000t/y

Environment Management System (EMS) required.

Certificate of Technical Competence (CoTC) required.

Treatment activities allowed: Depollution, sorting, separation, grading, baling, shearing, compacting, crushing or cutting.

10 tonnes per day / max storage for disposal.

Uncontaminated plastic, glass and metal can be stored on a hardstanding or impermeable pavement with sealed drainage.

All other waste must be stored on an impermeable surface with sealed drainage.

Treatment of waste must be carried out in line with section 2.5.1 of the ELV directive.

Lead acid batteries must be stored in containers with an acid resistant base and lid to prevent ingress of water.

Application charge: £1630

Subsistence charge: £2481*

SR2012No_14 – Metal Recycling, vehicle storage, depollution & dismantling (authorised treatment) facility.

<25,000 tonnes a year metal and <5,000 tonnes a year of waste motor vehicles.

EMS required

CoTC required

Sorting, separation, grading, shearing, baling, compacting, granulating of cables and cutting using hand held equipment only, of ferrous metals or alloys and non-ferrous metals for recovery as well as the recovery of all waste motor vehicles.

Uncontaminated plastic, glass and metal – stored on hardstanding or impermeable pavement with sealed drainage.

All other waste – stored on impermeable surface with sealed drainage.

All waste treated on impermeable surface with sealed drainage

Lead acid batteries – containers, acid resistant base and lid to prevent ingress of water.

Risk Assessments

Metal filings and turnings stored in containers with impermeable base and cover.

Application: £1630

Subsistence: £1579*

*Regulation of your site will take the form of inspections and audits. Any non-compliances with your permit will be scored and recorded on a compliance assessment report. At the end of each year your overall

score will dictate what compliance band you will be in for the following year. This in turn influences the resource we use to assess permit compliance and may affect your subsistence charges.

Along with your application you will be required to produce an Environment Management System (EMS) for your operations. This can be developed using our guidance at <https://naturalresources.wales/media/2110/how-to-comply-with-your-environmental-permit.pdf> along with its associated guidance at <https://naturalresources.wales/apply-for-a-permit/environmental-permitting-regulations-guidance/guidance-to-help-you-comply-with-your-environmental-permit/?lang=en>

You will also have to prove that you will have someone on site who complies with the requirements of an approved competence scheme and holds a Certificate of Technical Competence. There are two schemes available that you can use, [WAMITAB](#) or [ESA/EU](#).

You will also have to prove your planning status.

Bespoke Permit

If you can't meet the requirements and rules for an exemption or standard permit then you will need to apply for a bespoke permit. **Bespoke permits** are written specifically for your activity. They take longer to process than standard permits so they tend to be more expensive. Further information on how to apply for a bespoke permit and associated guidance can be found at: <https://naturalresources.wales/apply-for-a-permit/waste/waste-permitting/apply-for-a-bespoke-permit-for-a-waste-operation/?lang=en>

We use OPRA to assess the risk to the environment from sites we regulate with environmental permits. If you're applying for a new bespoke permit your fee will be based on the OPRA score for your site. Along with your application you will need to complete relevant OPRA spreadsheet(s) which can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/301776/LIT_6663.pdf

As with Standard Rules Permits, along with your application you will be required to produce an

Environment management System for your operations, and prove that you will have someone on site who complies with the requirements of an approved competence scheme. You will also have to prove your planning status.

ACTION Summary:

1. The external yard area is in need of general tidying. Timeframe: 31 Jan 17.
2. Register as Hazardous waste producer immediately, forward confirmation of registration to Ffion Thomas and submit consignee returns for hazardous waste (battery waste).. Timeframe: 13 Jan 17
3. Forward copy of fire action plan. Timeframe: 31 Jan 17 (or otherwise agreed)
4. Confirm iron filings waste removed and block bund integrity improved to ensure minimisation of infrastructure failure. Timeframe: immediate, if confirmation not received by NRW by 13th Jan NRW will inform HSE of block bay existence.
5. Review permit application options and contact us when you wish to pursue an application. Timeframe: On going.

A non-compliance of the hazardous waste regulations has been recorded and a warning letter will follow.

END.

Any compliance criteria not highlighted in the above summary should be considered as not assessed.

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0026873**

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

Site	Fordpad Scrap	Permit Ref	PP3098FS
Operator/Permit holder	Fordpad Ltd	Date	05/01/2017

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.

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. 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.