

## Compliance Assessment Report

Report ID:  
CAR\_NRW0032687

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

Site	Massey Metals Ltd	Permit Ref	AB3596CH			
Operator/Permit holder	Massey Metals Ltd					
Regime	Waste Operations					
Date of assessment	03/11/2017	Time in	10:40	Out	11:50	
Assessment type	Site Inspection					
Parts of the permit assessed	First Site Inspection					
Lead officer's name	Sowerby, Andrew R.					
Accompanied by	Starks, Madeleine					
Recipient's name/position	Darren Massey/ Owner	Date issued	10/01/2018			

### 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	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B4 - Infrastructure - Containment of stored materials	A	
B5 - Infrastructure - Plant and equipment	A	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	A	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
D1 - Incident Management - Site security	A	
E2 - Emissions - Land and groundwater	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F5 - Amenity - Deposits on road	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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	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

The site's environmental permit was issued on the 10th October 2017. This site inspection was done according to a checklist we have for first site inspections. The topics discussed and any issues or queries are summarised below.

The site inspection was undertaken by Environment Officers Andrew Sowerby and Madeleine Starks. We met the site owner Darren Massey on site and he accompanied us throughout the site inspection.

During the site inspection we discussed the permit and the associated requirements.

The guidance document "How to Comply with Your Environmental Permit" was discussed. It was explained that this document was very important and as it is referred to within the sites permit it is important that the site operator is fully aware of what it contains and knows how it can be used to ensure the sites permit is complied with. The document explains the conditions within the permit and details what actions need to be taken to ensure compliance.

The specific sector guidance and overall technical guidance available on our website was also discussed. Some of this guidance is unlikely to be applicable to operations on site whilst other guidance, such as the guidance around fire prevention and mitigation plans or regarding eventual permit surrender, is/will be.

We also discussed how important the sites environment management system (EMS) is. The current EMS we have on record is version 1.1 and dated 1st August 2017 (Doc-Ref RIV-2303-A). All activities on site should be undertaken in accordance with the site EMS, and the site EMS should address the risk from those activities. Failing to comply with the EMS can result in non-compliances with your permit so it is important to ensure the EMS is regularly reviewed and kept up to date. We would appreciate being kept informed if the EMS is ever updated.

At the time of the site inspection the sites technically competent person was the Oaktree Environmental Ltd consultant Chris Parry. It was explained that this was only temporary until both Darren and Steve Massey have completed their WAMITAB qualifications. It is hoped this will be done by March. You should ensure that all attendance by the sites technically competent person is recorded by recording the date of attendance and the time on site.

Waste Returns need to be completed annually and the first set of waste returns are expected by the end of this month (January 2018). The most up to date waste returns spreadsheet can be found on our website. It is important that you check you are using the latest form to submit this information. As mentioned on site, if you have any questions when it comes to completing the waste returns please get in touch.

It was explained on site how the sites compliance is assessed and what this can mean to the sites overall subsistence fees. The number of CCS points applied to each different type of breach are summarised on the rear of this document. At the end of the calendar year these points are added up and depending upon what the total is you will fall into one of six bands (Band A to F). Should the site be a Band A then the operator will be expected to pay 95% of the sites annual subsistence fee. However, if the site performs poorly and ends up as a Band F then the operator will have to pay 500% of the sites annual subsistence fee. Should you wish to, at any point in the year you can contact me for an update regarding your compliance banding.

This CAR (Compliance Assessment Report) Form was discussed. It was explained that following all site inspection/ audits or data reviews a CAR form would be produced to record whether or not any non compliances had been observed. The CAR forms will also be used to provide any advice and guidance, actions required and associated deadlines and whether there is any intention by us to take further action. It is therefore important that you read through any CAR forms sent to you and ensure they are saved. If you disagree with anything within the form then details should be submitted to your regulating officer (i.e. currently me) in writing.

Many documents regarding the sites permit will be available on our public register. This will include copies of environmental permit, CAR forms and waste returns.

Duty of Care was briefly mentioned, but as the site has been accepting and receiving waste under waste exemptions for some time and as Darren Massey has previous experience within the waste industry we did not go into too much detail regarding waste transfer notes and hazardous waste consignment notes, waste hierarchy etc. We did discuss whether the site needed to register as a hazardous waste producer, and that if the site is a hazardous waste consignee, the need to submit consignee returns.

If the site wishes to make any changes to the environmental permit then a permit variation application may need to be submitted. If the site permit changes hands to a different operator then a transfer application will need to be sent in. Finally should the operator ever wish to close the site down there will be a requirement to surrender the permit. All these applications are subject to a charge

and should you consider doing any of them then please contact your regulating officer for the necessary advice and guidance.

The site currently has a Fire prevention and Mitigation Plan, version 1.2, dated 10th August 2017 (Doc Ref - RIV-2303-A). All activities on site need to be operated in accordance with this plan and, like the EMS, it should be reviewed regularly and updated where required.

As the site intends to depollute End of Life Vehicles, the relevant legislation and DEFRA guidance was mentioned to ensure this activity is completed correctly.

Finally the details of the site landowner were discussed. It was explained that the site is currently owned by A & S Transport (contact - Andy Senior). However, Massey Metals are intending to purchase the site in 2018.

Links to all the documents mentioned above will be listed in the email accompanying this CAR Form.

#### **Other Topics Discussed On Site**

At the time of the inspection the catalytic de-canning equipment had not yet been installed. It was explained that the kit is completely sealed and that any potential emissions are limited by the filter systems. It will be interesting to see it all in operation. It was then explained that Massey Metals are looking at a mobile catalytic decanning service. There have been separate communications regarding this operation.

During the site inspection a couple of small oil spills on the concrete were observed. Whilst this is not too much of an issue as the surface is impermeable and the drainage system has an interceptor, you should try and ensure that all spills that occur are cleaned up as soon as possible to reduce the risk of oil being tracked off site by other means. It is also regarded to be good housekeeping.

It was observed that some of the undepolluted ELVs stored by the gate were not completely on the impermeable concrete surface and the front section of around three ELVs was above the permeable hardstanding along the perimeter fence. Please ensure that undepolluted ELVs are stored completely on the impermeable concrete surface. Should this be observed again a score will be applied.

It was also observed that the site had waste electrical and electronic equipment on site (WEEE). In order to accept WEEE your permit should include such EWC codes as 20 01 35 or 20 01 36 or 16 02 \*\* which refer to WEEE and wastes from electrical and electronic equipment. Until the relevant EWC codes have been added to your permit you should not accept any WEEE onto site. Should WEEE be observed during any future site inspections we will regard it as a breach of the permit and apply the appropriate score. In order to accept, store and treat WEEE on site you will need to comply with the WEEE Directive.

Overall the site was found to be tidy. It is recognised that there is still work required on site before the infrastructure is to the standard the operator wishes. As this was a first inspection of the site the intention was to provide advice and guidance around the permit and how to comply with it going forward. As a result, despite a couple of relatively minor breaches being observed no non-compliances were applied.

Should you have any questions or comments regarding the above please contact me on 0300 065 3806.

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0032687**

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

Site	Massey Metals Ltd	Permit Ref	AB3596CH
Operator/Permit holder	Massey Metals Ltd	Date	03/11/2017

### 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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

### 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](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.