

## Compliance Assessment Report

Report ID:  
CAR\_NRW0033669

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	16/07/2018	Time in	12:25	Out	13:50	
Assessment type	Site Inspection					
Parts of the permit assessed	1.1, 2.1, 2.2, 2.3, 2.4, 4.2					
Lead officer's name	Haider, Mefty					
Accompanied by	Hannah Parish					
Recipient's name/position	Darren Massey/ Director	Date issued	24/07/2018			

### 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
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	2.1.1 (Table S1.1)
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	C3	2.4.1
C2 - General Management - Management system and operating procedures	C3	1.1.1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3	2.4.2
D1 - Incident Management - Site security	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	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>16.1</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 was a joint site inspection carried out by the new regulating officer for the site Mefty Haider and Hanna Parish from Flintshire County Council. This was a pre-notified inspection. At the time of the inspection director Darren Massey was present on site. Mr Massey stated site was very busy and two members of staff who carry out ELV depollution were on annual leave.

The site appears to be fully secure as it benefits from palisade fence on the boundary including lockable main gate. In addition, the site benefits from impermeable surface (concrete).

At the time of the inspection the following non-compliance with permit condition were observed, which are detailed below:

### **Non-compliance with permit condition**

#### **B3) Site drainage engineering (clean & foul) – Permit condition 2.1.1 (Table S1.1)**

Permit condition 2.1.1 briefly states that the operator is only authorised to carry out activities specified in schedule 1 table S1.1.

Table S1.1 states that all hazardous and non-hazardous waste must be stored and treated on an impermeable surface with sealed drainage.

Regulating officer believes the impermeable surface (concreted areas) do not benefit from a sealed drainage system. Operator stated the concrete pads are laid with a gradient towards the drains, directing all effluent/surface water to the drains. However, the concreted areas do not benefit from a lip on the edges or a raised boundary. Therefore, potential leaks/spills near the edge of the concrete pads may not be contained and potentially escape to un-made ground and or contaminate surface waters. According to the EMS the site supposed to benefit from concrete panel fencing on the borders of the concrete pad, which is not the case at present. The concrete panel fencing once installed may provide the sealed drainage as required by the permit. Until this action is carried out the site is in non-compliance with the permit condition and poses a risk of pollution of the environment.

*Site has received a CCS score category 3 for this non-compliance with permit condition.*

#### **C1) Staff competency/training – Permit condition 2.4.1**

Permit condition 2.4.1 states that the storage (inc. temporary storage) and treatment of waste motor vehicles shall meet the requirements of article 6(1) of the ELV Directive.

Regulating officer witnessed ELVs are not treated appropriately to ensure they are fully de-polluted prior subject to further treatment (i.e. baling), which prevents others from carrying out further depollution of the waste. The operator was not aware of this condition or the details of ELV treatment as set out in Annex 1 of article 6(1) of the ELV Directive. Lack of understanding of relevant permit condition and training likely to be the cause behind non-compliant treatment of ELVs on site.

Failure to depollute ELVs appropriately and preventing others from carrying out further depollution of the ELVs by subjecting the waste to crushing/baling/shredding operation is an offence under the ELV Directive. By doing so all hazardous components that has not been collected for recovery/recycling or appropriate disposal purposes, poses a risk of pollution of the environment and harm to human health. Natural resources Wales may take enforcement action against offenders.

*Site has received a CCS score category 3 for this non-compliance with permit condition.*

## **C2) Management system and operating procedures – Permit condition 1.1.1**

Permit condition 1.1.1 (a) states that the operator shall manage in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformance, closure and those drawn to the attention of the operator as a result of complaints.

Regulating officer believes the site EMS (version 1.1) is inadequate and not followed on site. This is because the EMS:

- Does not contain any details regarding site infrastructures i.e. location of impermeable surfaces; how it will be constructed; maintained etc.
- Does not clarify who the TCM is for the site and their minimum attendance requirement.
- Site notice board not in accordance to EMS condition 2.5.1 as it lacks details of the operator, permit, emergency contact number etc.
- Site does not benefit from fencing as detailed in EMS condition 2.6.2.
- EMS condition 2.7.1 states briefly all surface waters will fall into an aco drain and connects to the foul sewer. Operator stated all surface waters and effluent (screen wash/coolant) are collected in a large underground tank, which does not discharge. This is contrary to the EMS condition and site plan RIV/2303/03.
- ELVs not treated in accordance to schedule 5 of the ELV Regulation 2003 as stated in EMS condition 3.4.1.
- ELVs not currently depolluted as per EMS condition 3.8.1 as operator does not remove tyres, balancing weights, fluids from shock absorbers, fluids from washers, engine coolant, air condition gas, remove/deploy air-bag explosives etc.
- Different oil/fluids are not kept separately (EMS 3.8.1).
- The depollution area does not benefit from a tray or containment area as per EMS condition 3.8.4.
- EMS condition 3.8.6 briefly states depollution process of an ELV can be completed in 15-20 minutes. This is highly unlikely as full depollution of an ELV in general takes much longer than 20 min.
- Hazardous fluid/liquids removed from ELVs are stored in an IBC outside on concrete pad contrary to EMS condition 3.9.1 and 3.9.2 (no secondary containment).
- Battery container with batteries stored in the open without a lid and large cracks in the container.

Lack of adequate EMS and failure to follow it is likely to be the root cause behind all non-compliance with permit conditions observed on site. You must ensure the site EMS is adequate and contains all required information as set out in the document "How to comply with your environmental permit". You must also ensure site staff follows the EMS when the site is operational and accepting, handling, treating waste. Failure to have an adequate EMS on site or to follow an adequate EMS while operating poses a risk of pollution of the environment and harm to human health.

*Site has received a CCS score category 3 for this non-compliance with permit condition.*

## **C4) Storage, handling, labelling and segregation – Permit condition 2.4.2**

Permit condition 2.4.2 briefly states that hazardous waste shall not be mixed. In addition, article 6(1) of the

ELV Directive requires that all fuel, oils, fluids are removed and stored separately.

Site is in breach of this condition as the operator mixes the separately collected engine, gear box oils in an IBC. In addition, the operator allows the coolant and screen wash fluids to enter the oil interceptor and mix with surface water. It is also likely, the effluent contaminated with engine coolant and screen wash is allowed to discharge into foul sewer if the site drainage system is in accordance to EMS condition 2.7.1. You must collect and store engine coolant and screen wash for recovery or appropriate disposal.

By mixing different category of hazardous waste you are breaching permit condition and Hazardous Waste (England and Wales) Regulation 2005, which is an offence. Natural Resources Wales may take enforcement action against offenders.

You must ensure all fuel, oils, fluids from ELVs that are collected are stored separately for appropriate recovery or disposal at all times.

*Site has received a CCS score category 3 for this non-compliance with permit condition.*

#### **G4) Reporting and notification to Natural Resources Wales – Permit condition 4.2.2**

Permit condition 4.2.2 briefly states that within one month of the end of each year, the operator shall submit the details of waste accepted and removed from the site to Natural Resources Wales.

The site is in breach of this permit condition as no waste return was submitted by the operator for 2017 period. Please submit the outstanding waste return without further delay and ensure future waste return are submitted within time.

*Site has received a CCS score category 4 for this non-compliance with permit condition.*

#### **Duty of care – waste transfer note**

Some waste transfer notes for both incoming and outgoing wastes were checked and found to be non-compliant with duty of care legislation. This is because the transfer notes were not duly completed as they are missing required information such as time, EWC code of waste, signature of transferor/transferee etc.

Please ensure transfer notes are duly completed and contain all relevant required information. Failure to do so is an offence and may lead to enforcement action taken against the offender by Natural Resources Wales. A copy of the “Duty of care – code of practice” document forwarded to the operator for guidance and awareness.

#### **Hazardous Waste (England and Wales) Regulation 2005 (HWR 2005)**

The site is in breach of Regulation 19 HWR 2005 because hazardous waste fractions removed from ELVs (e.g. engine oil, gear box oil, brake fluid etc) are mixed together by placing the separately collected waste fractions in an IBC prior removal from the site.

In addition, the IBC does not benefit from a secondary containment system (bund) and there is a serious risk of the IBC getting damaged by moving plant and other waste, leading to leaks/spills etc. Although the site benefits from an oil interceptor, it is very likely the interceptor is rendered ineffective due to screen wash allowed to enter the drainage system. Therefore, in the event of a leak/spill the oil content may not be captured and retained by the oil interceptor and likely escape into the foul sewer. Effluent contaminated with oil entering a sewage treatment plant can damage the treatment plant and may lead to pollution of the environment and harm to human health.

The site is in breach of Regulation 35 of HWR 2005 because the operator removed un-depolluted ELVs (hazardous waste) from the site and the waste did not benefit from a hazardous waste consignment note. In effect, hazardous waste was removed as non-hazardous waste and likely to have handled and treated as non-hazardous waste by the receiving sites. This poses a serious risk of pollution of the environment and harm to human health. For clarification, ELVs removed from the site are considered to be hazardous because at present the operator does not remove the following:

- Shock absorber fluids.

- Deploy/neutralise or remove air-bag explosives.
- No evidence to demonstrate air-condition gas removed.
- No evidence to demonstrate coolant, screen was fluids removed etc.

Breach of HWR 2005 is an offence and may lead to enforcement action taken against the offender by Natural resources Wales. You must ensure hazardous waste removed from the site benefits from a duly completed hazardous waste consignment note at all times.

### **De-pollution of ELVs**

Please ensure until you can demonstrate that you are de-polluting ELVs fully as per article 6(1) of the ELV Directive, **you must NOT**:

- Crush, bale, shred or damage the ELVs in such a way that will prevent others from completing the depollution process.
- ELVs must be removed from the site as hazardous waste accompanied with duly completed hazardous waste consignment note.

### **General comment**

The operator needs to ensure they understand and complies with both permit and EMS conditions when the site is operational. The operator must address each non-compliance addressed in this form and take steps to improve site infrastructure and operational procedures where required. We are here to help and provide assistance where required but the operator must take positive steps without further delay. There is no justifiable reason to fail to comply with permit condition or other directly applicable legislations, accept may be in an emergency.

Should you wish to discuss the findings of this report please contact the regulating officer Mefty Haider on 03000 653696.

***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.***

### **Site photos**



Photo showing the concrete pad without lip directly next to unmade ground. There is a patch of oil underneath the skip container coming up to the edge of the concrete pad.



Photo showing part depolluted ELVs awaiting crushing/baling.





Photo showing battery box containing batteries while uncovered and with large cracks on the side of the box.



Photo showing an IBC containing unknown fluid stored inappropriately at the back of the site. This must be removed and disposed of appropriately as soon as possible.



Photo showing IBC where separately collected fluids (engine, gear box oil etc) are mixed and stored without any secondary containment.



## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0033669**

**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	16/07/2018

### 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	C4	Ensure waste return submitted in time as per permit condition 4.2.2	10/08/2018
C4	C3	Ensure hazardous wastes of different categories are not mixed and stored separately at all times.	10/08/2018
C2	C3	Ensure site EMS is adequate as per "how to comply with your environmental permit" document and that it is followed when the site is operational.	10/08/2018
C1	C3	Ensure operator has full understanding of all permit conditions.	10/08/2018
B3	C3	Ensure impermeable surface areas are designed to contain all potential polluting materials in the event of an accident.	28/09/2018

## 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.