

Compliance Assessment Report

Report ID:
CAR_NRW0026763

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

| | | | | | | |
|------------------------------|---------------------|-------------|------------|-----|-------|--|
| Site | Rees Metals | Permit Ref | LP3098FJ | | | |
| Operator/Permit holder | Rees Metals Ltd | | | | | |
| Regime | Waste Operations | | | | | |
| Date of assessment | 08/12/2016 | Time in | 11:00 | Out | 12:00 | |
| Assessment type | Audit | | | | | |
| Parts of the permit assessed | See below | | | | | |
| Lead officer's name | Ellar, David | | | | | |
| Accompanied by | Chris Thomas | | | | | |
| Recipient's name/position | Len Davies/ Manager | Date issued | 16/12/2016 | | | |

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 | C3 | 2.1.2 |
| C2 - General Management - Management system and operating procedures | C3 | 4.2.2 |
| | C3 | 1.1.1 |
| C3 - General Management - Materials acceptance | C2 | 1.2.1 and 1.2.2 |

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.

| | | | |
|------------------------------------|----------|---|-----------|
| Number of breaches recorded | 4 | Total compliance score (see section 5 for scoring scheme) | 43 |
|------------------------------------|----------|---|-----------|

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:

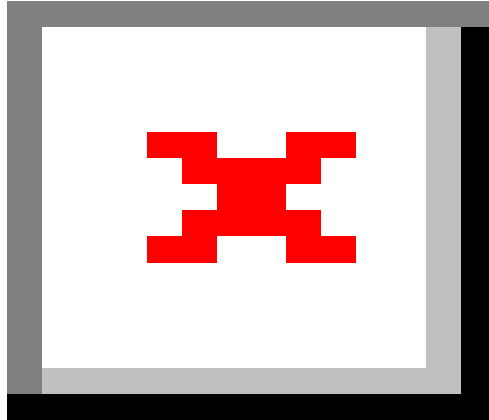
- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details 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

General housekeeping around the site was poor and there was a noticeable decline in general management of the site since our last inspection (October 2015). There is little if any segregation of waste, there are no definable storage or treatment areas and the areas of hardstanding have failed to be maintained. A number of different types of excluded or non-permitted wastes including End of Life Vehicles (ELV), Swarf, Waste Electronic Equipment (WEE), gas cylinders, oily waste and insulation material were present on site and could be found within the piles of mixed scrap metal. Historic waste (been on site for more than 3 years) is still abundant on site and little or no progress has been made to sort, process or remove it from site despite the issue being highlighted at several of our last visits.

C3 (Materials acceptance) – Category 2 non-compliance of permit conditions 1.2.1 and 1.2.2:

Excluded and non-permitted waste types. During the visit it was disappointing to see so many different unpermitted waste types present. Whilst walking around the site we saw; gas cylinders, insulation, ELV, Swarf, WEE, insulation material, plastics and oily waste. All of these waste types are not allowed to be accepted at the site. Table 1.2.A of your permit clearly states what permitted waste types are e.g ferrous and non-ferrous metals. Table 1.2.B of your permit clearly states what the Excluded or non-permitted waste types are. All excluded and non-permitted waste must be removed from site as detailed in table 4.4 of the permit.

Photograph showing some unpermitted waste types such as insulation and WEE:



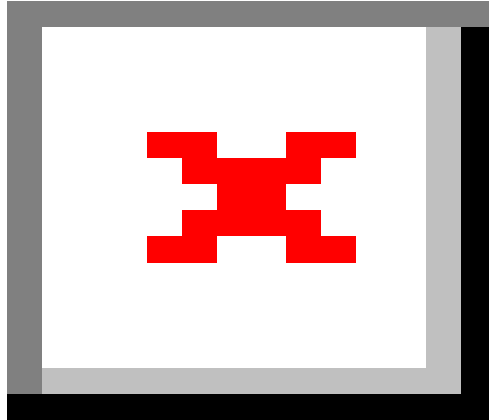
C2 (Management system and operating procedures) – Category 3 non-compliance of permit conditions 1.1.1:

Historic waste. Table 1.1 a) (v) of your permit states that no wastes shall be stored on site for a period of more than 3 years. The majority of the scrap currently stored on site has been stored for more than 3 years and in some cases considerably longer. This issue has been raised at several of our last site visits but has failed to be adequately addressed. The operator has to come up with a plan on how they can deal with the historic scrap and agree compliance deadlines with us.

B1(Engineering for prevention and control of emissions) – Category 3 non-compliance of permit conditions 2.1.2:

Hardstanding areas must be constructed and maintained in accordance with table 2.1 of the permit e.g. not subject to rutting, have sufficient durability to allow cleaning and shall remain free from standing water. During our visit standing water and deep mud was observed in several locations this shows that the hardstanding has been either poorly constructed or has failed to be maintained. The operator has to come up with a plan on how they can deal with the hardstanding and agree compliance deadlines with us.

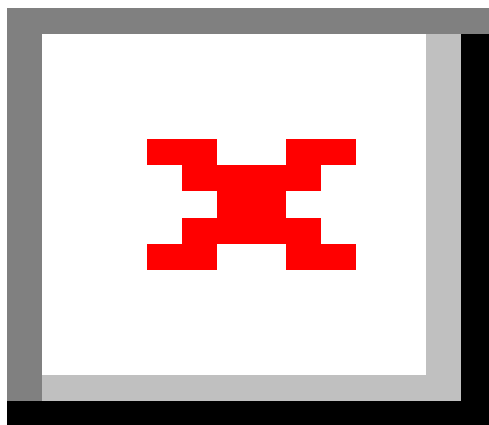
Photograph showing standing water and mud on the hardstanding area:



C2 – C3 non-compliance of permit conditions 4.2.2:

During the visit we observed an area where emulsified oil was evident in pools on the ground around a scrap metal tank. Any leaks or spillages must be cleared up immediately and in accordance with conditions 4.2.2 of your permit and the spillage procedures in the sits EMS.

Photograph showing emulsified oil on the ground around a scrap metal tank:



It is our intention to serve an enforcement notice on Rees Metals Limited to ensure that they

comply with the conditions of the permit. Before we do this we would like to arrange a site meeting to discuss our concerns and to agree deadlines for compliance with the issues highlighted in this report.

Can the operator please contact David Ellar on 0300 065 4016 to arrange a site meeting early in the New year.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0026763**

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

| | | | |
|------------------------|-----------------|------------|------------|
| Site | Rees Metals | Permit Ref | LP3098FJ |
| Operator/Permit holder | Rees Metals Ltd | Date | 08/12/2016 |

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 | | | |
| B1 | C3 | Hardstanding areas must be constructed and maintained in accordance with table 2.1 of the permit e.g. not subject to rutting, have sufficient durability to allow cleaning and shall remain free from standing water. | 01/06/2017 |
| C2 | C3 | Any leaks or spillages must be cleared up immediately and in accordance with conditions 4.2.2 of your permit and the spillage procedures in the sits EMS. | 01/03/2017 |
| C2 | C3 | Any wastes that have been on site for more than 3 years must be processed and removed from site. | 01/06/2017 |
| C3 | C2 | All excluded or non-permitted waste types must be removed of site to a suitably authorised facility. | 01/06/2017 |

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. 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.