

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

Site	Lorey Metals		Permit Ref	900020	
Operator/ Permit holder	Attewell Deborah				
Date	01/07/2014		Time in	09:15	Out 11:00
What parts of the permit were assessed	B, C, D, G				
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X Water Discharge
Recipient's name/position	Deborah Attewell - Permit Holder				
Officer's name	David T Morgan		Date issued	11/07/2014	

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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

Condition(s) breached

Permit Conditions and Compliance Summary	Condition(s) breached	
a) Permitted activities	1. Specified by permit N	
b) Infrastructure	1. Engineering for prevention & control of pollution N	
	2. Closure & decommissioning N	
	3. Site drainage engineering (clean & foul) C2	2.3.1;
	4. Containment of stored materials N	
	5. Plant and equipment N	
c) General management	1. Staff competency/ training C3	1.1.3;
	2. Management system & operating procedures C3	1.1.1;
	3. Materials acceptance C3	2.2.1;
	4. Storage handling, labelling, segregation C4	3.1.3;
d) Incident management	1. Site security A	
	2. Accident, emergency & incident planning N	
e) Emissions	1. Air N	
	2. Land & Groundwater C2	3.1.1;
	3. Surface water N	
	4. Sewer N	
	5. Waste N	
f) Amenity	1. Odour N	
	2. Noise N	
	3. Dust/fibres/particulates N	
	4. Pests, birds & scavengers N	
	5. Deposits on road N	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment N	
	2. Records of activity, site diary, journal & events N	
	3. Maintenance records N	
	4. Reporting & notification C4	4.3.1;
h) Resource efficiency	1. Efficient use of raw materials N	
	2. Energy N	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk), A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

Number of breaches recorded	7	Total compliance score (see section 5 for scoring scheme)	74.2
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If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

A site inspection was undertaken on Tuesday 1st July 2014. At the time of the inspection the site was operational and accepting scrap metal waste into Unit 8 while the unit next door that is also covered by the permit (A1 Cars) was close to capacity for non-depolluted vehicles. The Technically Competent Manager and Site Manager were not on site.

The following permit breaches were recorded;

Condition 2.3.1 of the permit was breached (Category 2 - Significant) (Ref:B3)

In table 2.3 titles 'Operating Techniques', point 2 states that "All wastes shall be treated on an impermeable surface with a sealed drainage system".

There is currently no drainage system for a large proportion of the site. The unit receiving scrap metal (historically known as Aubrey Metals) has no sealed drainage system and the majority of the yard is unmade ground. There is a proportion of the yard which stores waste and has an impermeable surface but this drains directly to a surface water drain outside of the site. All run-off into this surface water system is considered an non-permitted and illegal discharge to surface waters.

In the A1 Cars unit (previously known as Swansea Recycling Centre) two drains on site appear to be blocked. There is ponding of water at the drain to the rear of the unit.



To become compliant with this condition the site must install a sealed drainage system with all operational areas (where waste is stored/treated) benefiting from impermeable surfaces.

Condition 1.1.3 of the permit was breached (Category 3 - Minor) (Ref:C1)

A non-compliance was recorded against this position as during the inspection all staff present on site had no knowledge or understanding of the Environment Management System (EMS). In a discussion with employees on site there appeared to be confusion over the permit requirements relating to the sealed drainage system.

To become compliant with this condition all staff on site who have responsibilities relating to the permitted activity must have access to the Environment Management System. The EMS should identify all potential risks of pollution and include measures on how those pollutions will be prevented and/or dealt with.

Condition 1.1.1 of the permit was breached (Category 3 - Minor) (Ref:C2)

Our records indicate that there is no up to date Environment Management System (EMS) for the site. It was agreed that an updated copy would be sent to Natural Resources Wales in March 2014. This was not received. A copy of the EMS was not available on site during the inspection. As a result a non-compliance with the above permit condition was recorded.

To become compliant with this condition an up to date Environment Management System must be developed. Copies should be sent through to Natural Resources Wales (details below) and be made available on site.

Condition 2.2.1 of the permit was breached (Category 3 - Minor) (Ref:C3)

During the inspection it was noted that there were a number of non-permitted wastes on site. Condition 2.2.1 (a) relates to Table 2.2a which lists waste types that the site is allowed to accept. While on site undertaking the inspection a significant amount of waste electrical and electronic items (WEEE) were on site. Fridges, TV's, washing machines are not permitted on site. Also, there was a large number of gas cylinders on site which the site is not allowed to accept.



In the A1 Cars unit (formerly Swansea Recycling Centre) there is a quantity of plastic waste. In a previous inspection (12/11/2013) and subsequent discussions it was agreed that all plastic waste would be removed.



To become compliant with this condition all non-permitted wastes must be removed from site and taken to an appropriate facility. Gas cylinders should be stored in a locked cage and it is suggested that they be removed from the site boundary to prevent a potential arson event.

In the future all wastes which are not listed in the permit must be rejected upon arrival at site. Waste acceptance procedures must be included in the EMS.

Condition 3.1.3 of the permit was breached (Category 4 - No Environmental Effect)

(Ref: C4)

Waste oils/liquid containers on site do not have secondary containment. The permit states that all liquids in containers that could cause pollution should have secondary containment. The liquids stored in the de-pollution bay could potentially escape to ground through the back of the shed if an accidental spillage/incident takes place.

To become compliant with this condition secondary containment for all waste oils/liquids must be put in place.

Condition 3.1.1 of the permit was breached (Category 2 - Significant) (Ref: E2)

A large volume of untreated scrap metal is stored on unmade ground. The metal is mixed ferrous and non-ferrous. Rain water run-off from this waste is running directly into unmade ground and thus could potentially enter groundwaters. Wastes include metal filings which the permit states should be stored in a sealed container to prevent ingress of rain water. There are also a number of waste electrical items which should also be stored in a manner which will prevent ingress of rain water.



To become compliant with this condition ALL waste must be removed from areas where the site surface is unmade ground. Consideration should be given to undertaking monitoring (sampling) and remediation works following the removal of waste from these areas.

Condition 4.3.1 of the permit was breached (Category 4 - No Environmental Impact)

(Ref: G4)

Condition 4.3.1 states that Natural Resources Wales (named as 'The Environment Agency' in the permit) shall be notified of any malfunction, breakdown of plant and equipment which leads to a pollution. Natural Resources Wales has made a number of requests to remove waste from areas of the site where there is unmade ground. During the inspection the site foreman (Robert Lorey) stated that there had been equipment/plant failures which prevented the business removing waste from certain areas as requested.

The site has failed to notify Natural Resources Wales of the ongoing problems with plant and a non-compliance with the permit has been recorded.

Directly Applicable Legislation (DAL)

Hazardous Waste Regulations (England and Wales) 2005

At the time of the visit the site was not registered as a hazardous waste producer. If the site produces more than 500kg of hazardous waste a year then a hazardous waste registration must be made. It is suggested that the process of production of hazardous wastes on site be reviewed. This could include a review of all hazardous waste consignment notes which will assist in determining annual volumes of hazardous waste produced on site.

Summary

Requests have been made on previous visits to remove waste from unmade areas, improve drainage and bring the site into compliance. Whereas some waste has been removed from site these there are still significant breaches of the permit. There are a number of non-compliances now on site and a generous amount of time has been given (18 months) to improve issues. This time frame was first set out during an inspection in 2012.

As a result of the continuing non-compliance and failure to improve operations and infrastructure we are now considering taking enforcement action against the site.

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Section 3- Enforcement Response **Only one of the boxes below should be ticked**

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.	<input type="checkbox"/>
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.	<input type="checkbox"/>
We will now consider what enforcement action is appropriate and notify you, referencing this form.	<input checked="" type="checkbox"/>

Section 4- Action(s)

Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.

Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
B3	C2	Install a sealed drainage system on site with impermeable surfaces where all wastes are treated. Install hard standing and impermeable surfaces in all areas of the yard where wate is stored as required in the permit.	02/02/2015
C1	C3	Provide a copy of the Environment Management System for staff on site. Make all staff aware of their responsibilities if related to permitted activities.	01/09/2014
C2	C3	Develop an Environmental Management System for the site.	01/09/2014
C3	C3	Remove all non-permitted wastes from site. Incorporate waste acceptance procedures into the Environment Management System.	01/09/2014
C4	C4	Provide secondary containment for all waste oils/liquids on site.	01/09/2014
E2	C2	Remove all waste from areas of the site where there is unmade ground (I.e. not hard standing or impermeable)	01/12/2014
G4	C4	Review the operational status of all plant and equipment. Inform Natural Resources Wales of any breakdowns/failures of plant and equipment.	01/09/2014

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 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 which 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 fulfill 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 (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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information 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 twenty 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 the officer's line managers. 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.

