

Compliance Assessment Report CAR_NRW0039491

Permit being assessed: BB3290CW.

For: D & E Scrap Metals Ltd, held by D&E Scrap Metals Limited

At: Adelaide St, Crindau, Newport, NP20 5NF.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 15/02/2022 between 12:45 and 13:30.

Parts of permit assessed: A, B, C, D, F, G

NRW Lead Officer: Anna Wilmshurst, accompanied by Alex Bowder, Craig Coleman.

Report sent to: David and Tania Eagle, Site managers on 04/03/2022.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
B5 - Infrastructure - Plant and equipment	Assessed (A)	
C1 - General Management - Staff competency/training	Action only (X)	
C2 - General Management - Management system and operating procedures	Assessed (A)	
C3 - General Management - Materials acceptance	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
D1 - Incident Management - Site security	Assessed (A)	
D2 - Incident Management - Accidents, emergency and incident planning	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
F5 - Amenity - Deposits on road	Assessed (A)	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	Assessed (A)	

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
0	0

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
C1	Please submit latest competency certificate	31/03/2022

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

Officers Anna WILMSHURST, Alex BOWDER and Craig COLEMAN attended D&E Scrap Metal to complete a routine compliance inspection of the permit EPR-BB3290CW on Tuesday 15th February 2022 between 12:45 and 13:30. Weather was overcast and wet. Officers had a site tour by Aaron EAGLE (yard manager) and subsequently met with Tania EAGLE (TCM) and David EAGLE (permit holder) in the office. This was a routine inspection and for new regulatory officer Anna WILMSHURST to meet site managers.

Standard rules permit – SR2011No3 – vehicle storage, depollution & dismantling (authorised treatment) facility

To remind the company following each visit Natural Resources Wales will produce a Compliance Assessment Report (CAR) detailing our comments from the inspection. If we substantiate reasonably foreseeable risks or actual impact to the environment, we can breach the business against your permit conditions which can affect your site banding and annual subsistence fees; this is scored on a Category 1 - 4 basis:

- 1 - Major, serious persistent and/or extensive impact on the environment/people/property
- 2 – Significant impact on effect on the environment/people/property
- 3 – Minor impact or effect on the environment/people/property

4 – A non-compliance which has no potential environmental effect

Observations

Officers received a site tour and the following observations were made. The depollution activity is completed by a suction device used to puncture tanks, which sucks out the hazardous waste, which is stored in a container, which gets removed from an appropriate contractor. Ticketing for vehicle weights and storage of documentation is in the site office. Tyres are removed from the vehicles, separated and stored before being removed to an authorised contractor. Batteries are stored in a sealed container, see photo 1 below. The batteries are stored in the red container.



Photo 1 - battery storage

It should be noted that the site also operates under S1, S2 and T9 exemptions primarily for the treatment of scrap metal. The compliance with these will be considered separately. A waste exemption can be registered within the permit boundary for a waste operation, however, Natural Resources Wales (NRW) expect these activities to be clearly separate with documentation to demonstrate this. The operator must be able to demonstrate to NRW whether an activity is being carried out under a waste exemption or environmental permit. Under the T9 exemption, you can store or treat up to 1,000 tonnes of waste at any one time. Waste may be stored for up to 24 months, and may be stacked up to a maximum height of 5 metres. The site's exemption registration expires on 26/07/2024. Please ensure that these exemptions are renewed before the expiry date.

Site infrastructure and drainage – the impermeable surface appeared to be in decent condition, but this was not inspected thoroughly on this visit. Site drainage to an interceptor which is emptied by GD Environmental. The system is alarmed.

It was noted by officers that waste is being burned to keep employees warm. Please note that only clean, untreated wood may be burned on site. Upon inspecting the oil drum, NRW officers observed bits of general waste. This was highlighted to operator Aaron EAGLE on

site who agreed that the site would stop burning any waste that is not permitted.

Officers were shown a very comprehensive Environmental Management System (EMS) for the site which is stored in the site office filing cabinet. This EMS was updated in September 2021. Storage of hazardous waste consignment notes and general site records were noted to be well managed in a filing system in the site office. As discussed, please ensure that all future consignment notes are dated.

Condition 3.4.1 requires that: 3.4.1 The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance. The site has an active FMPM, which was last reviewed in 2019. The operator stores a copy in the office.

Technical Competency - Tania EAGLE is the TCM for the site. We do not have a record of the competency certificate. **ACTION** – please send us a copy of the latest competency certificate.

Waste returns

Permit condition 4.2.2 states: 'Within one month of the end of each year, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous year.' The maximum waste quantity that can be accepted by the site is 5,000 tonnes per year. Responsibility for waste returns lies with Tania Eagle. Waste returns information appears to be up to date and within permit limits. The waste return for Q4 2021 was submitted on 27/01/2021. 140.46 tonnes of waste were accepted by the site under waste code 160104 and 298.388 tonnes were removed under the same code in Q4. Please continue to submit waste returns in accordance with your permit.

Permit compliance and breaches

No permit non-compliances were identified on this visit and thus no breaches have been scored.

Summary

If you have any queries regarding this Compliance Assessment Report please contact regulatory officer ANNA Wilmshurst on 07973 781227, or via email at anna.wilmshurst@naturalresourceswales.gov.uk

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.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or 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
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.