



# Cyfoeth Naturiol Cymru Natural Resources Wales

Deborah Attewell  
Lorey Metals  
Unit 8  
Ferryboat Close  
Swansea Enterprise Park  
Swansea  
SA6 8QN

Date: 27/08/2014

Dear Debbie

## RE: Regulation 36 Enforcement Notice

I am writing to inform you of our intention to serve a Regulation 36 Enforcement Notice. The reason for our decision to serve this notice relates the ongoing non-compliance with the Environmental Permit (EAWML 900020) at Lorey Metals, Unit 8, Ferryboat Close, Swansea, SA6 8QN.

Continuing non-compliance with the permit includes failure to install a sealed drainage system, failure to store waste in an appropriate manner and failure to develop and adopt an Environmental Management System (EMS) for operations on site.

In the last 18 months Natural Resources Wales (formerly Environment Agency Wales) has made numerous requests to improve infrastructure and operations on site. However, during an inspection on 1<sup>st</sup> July 2014 it was noted that infrastructure and operations on site have not sufficiently improved. As a result we are issuing the attached enforcement notice.

The attached notice contains a schedule of steps to be taken in order to bring the site into compliance with the environmental permit. Each step in the schedule will have a date by which the work/action must be complete.

**Please read the attached notice carefully. Failure to comply with the notice may result in further enforcement action being taken.**

If you have any questions regarding this letter or the content of the notice please contact me on the details below.

Yours sincerely

**David Morgan**

Environment Officer – Swansea Environment Management Team  
Natural Resources Wales  
Direct dial: 01792 325651  
e-mail: [david.morgan@naturalresourcewales.gov.uk](mailto:david.morgan@naturalresourcewales.gov.uk)

Natural Resources Wales/Cyfoeth Naturiol Cymru  
Maes Newydd, Llandarcy, Neath Port Talbot, SA10 6JQ.  
Llinell gwasanaethau cwsmeriaid/Customer services line: 0300 065 3000  
[www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk) / [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)  
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg  
Correspondence welcomed in Welsh and English



**Environmental Permitting (England and Wales) Regulations 2010  
Regulation 36**

<b>ENFORCEMENT NOTICE TO TAKE SPECIFIED STEPS IN RELATION TO A BREACH/ANTICIPATED BREACH OF PERMIT CONDITION(S)</b>
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To: Deborah Attewell  
Unit 8  
Ferryboat Close  
Swansea Enterprise Park  
Swansea  
SA6 8QN

**Environmental permit: EPR/FB3597TH**

**Regulated facility: Lorey Metals, Unit 8, Ferryboat Close, Swansea Enterprise Park, Swansea, SA6 8QN**

Natural Resources Wales considers that the following conditions of the environmental permit are being contravened:

Condition 1.1.1 – The operator will manage and operate activities in accordance with a written management system

Condition 1.1.3 – Any person having duties that may be affected by the matters set out in the permit will have access to the Environment Management System

Condition 2.2.1 – Waste shall only be accepted if it listed in the permit

Condition 2.3.1 – Activities shall be operated using the techniques and manner described in the permit in relation to infrastructure and waste storage requirements

Condition 3.1.1 – Emissions from site (surface water run-off) shall not cause pollution

Condition 3.1.3 – All liquids which could cause pollution shall be provided with secondary containment

Condition 4.3.1 – Natural Resources Wales will be notified of any equipment/plant failures

because

In relation to the above conditions respectively;

- There is no written Environment Management System

- Staff do not have access to the Standard Rules Permit and/or Environment Management System
- Un-permitted wastes (mostly Waste Electrical and Electronic items) are present on site
- Large areas of the site where waste is stored and treated does not have suitable infrastructure (sealed drainage system)
- Large volumes of waste are stored on unmade ground and any rainwater ingress is directly discharged to ground
- Waste oils/liquids do not have any secondary containment
- Natural Resources Wales has not been notified of any equipment plant failures which have prevented the clearance of waste from unmade areas of the site

You are required to take the steps set out in Schedule 1 by the date(s) specified in order to remedy the contravention.

**Date 27/08/2014**

Signed  .....  
**Chris Palmer**  
**Acting Team Leader –**  
**Swansea Environment Management Team**

Natural Resources Wales  
 Maes Newydd  
 Llandarcy  
 Neath-Port Talbot  
 SA10 6JQ

**Please see over for notes.**

## **Environmental Permitting (England and Wales) Regulations 2010 Regulation 36**

### **Notes:**

#### **General**

1. Failure to comply with this notice is an offence under Regulation 38(3) of the Environmental Permitting (England and Wales) Regulations 2010 and may result in legal action being taken against you.
2. Without prejudice to the requirements of this notice, failure to comply with a condition of an environmental permit is an offence and may result in legal action being taken against you.
3. You may wish to seek independent legal advice.

#### **Appeal provisions**

You are entitled to appeal against this notice under Regulation 31(2)(f) of the Environmental Permitting (England and Wales) Regulations 2010. Notice of appeal must be made within two months of the date of this notice. An appeal does not affect the requirements of this notice.

You must send written notice of the appeal and the documents listed below to:

Welsh Ministers  
The Planning Inspectorate for Wales  
Crown Buildings  
Cathays Park  
Cardiff. CF10 3NQ  
Tel: 029 2082 3866  
E-Mail: [wales@pins.gsi.gov.uk](mailto:wales@pins.gsi.gov.uk)  
<http://www.planningportal.gov.uk/planning/appeals>

At the same time you must send a copy of the appeal notice and documents to us.

The required documents are:

a statement of the grounds of appeal;  
a copy of any relevant application;  
a copy of any relevant environmental permit;  
a copy of any relevant correspondence between the appellant and the regulator;  
a copy of any decision or notice which is the subject matter of the appeal; and  
a statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You may withdraw an appeal by notifying Welsh Ministers in writing and sending a copy of that notification to us.

Further information about making an appeal and the forms that you will need are available from the Environmental Protection Division.

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.

You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency in Wales.

**Environmental Permitting (England and Wales) Regulations 2010**  
**Regulation 36**

<b>SCHEDULE 1</b>		
<b>STEPS TO BE TAKEN</b>		
<b>Condition number</b>	<b>Steps to be taken</b>	<b>By date</b>
1.1.1	Develop an Environmental Management System for the site. Please submit this to Natural Resources Wales for approval by the date specified.	20/10/2014
1.1.3	Make copies of the Environmental Permit and Environment Management System available for staff on site.	20/10/2014
2.2.1	Remove all non-permitted wastes from site.	20/10/2014
2.3.1	Install a sealed drainage system with impermeable surfaces to all areas of the site where waste is treated.	02/02/2015
3.1.1	Remove all waste from areas of the site where there is unmade ground and there is no sealed drainage system	08/12/2014
3.1.3	Provide secondary containment for all waste oils/liquids	20/10/2014
4.3.1	Review the operational status of all plant and equipment on site. Notify Natural Resources Wales of any failure/breakdown of equipment/plant.	20/10/2014