

Compliance Assessment Report

Report ID:
CAR_NRW0033912

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

Site	European Metal Recycling Ltd	Permit Ref	FP3094VP		
Operator/Permit holder	European Metal Recycling Ltd				
Regime	Waste Operations				
Date of assessment	23/04/2019	Time in	10:30	Out	11:45
Assessment type	Site Inspection				
Parts of the permit assessed	Fire prevention and mitigation plan, specified activities.				
Lead officer's name	Palmer, Richard				
Accompanied by	Peppicelli, Claudia,Davies, Edward J.				
Recipient's name/position	Ryan Jarman/ Site manager	Date issued	23/05/2019		

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
A1 - Specified by permit	C4	Condition 2.1.1 - Table 2.1
C2 - General Management - Management system and operating procedures	C3	Condition 3.4.1 -
C4 - General Management - Storage, handling labelling and Segregation	C3	Condition 2.3.1 - Table 2.3 Operatng techniques
D1 - Incident Management - Site security	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	Conditon 4.2.1 - Reporting

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)	8.2
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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

On the 23rd of April Environment Officer Richard Palmer, Claudia Peppicelli and Edward Davies met with Ryan Jarman the current Depot Manager and nominated TCM (when he has fully completed his WAMITAB training) of the EMR Roath Dock facility. Ryan that has been working as site manager since September 2018 and was not aware of the requirements and observations made on the previous CAR form.

We started by visiting the site to point out to Ryan our main concerns that had emerged in our previous inspection on 16/04/2019. The two NRW site inspections will be recorded in the 1 CAR form, due to the proximity of the visits and the fact that similar issues were discussed on both site inspections.

1. FPMP requirements.

The fire prevention and mitigation plan was assessed in line with our guidelines and in relation to the previous CAR form dated 14/09/2018. The actions stipulated in the previous report were not implemented by the deadline indicated, which was November 2018. As your site still doesn't have a suitable plan in place, a Category 3 breach has been scored against condition 3.4.1 of your permit. (please Note: Section 3.4.1 is not included on the Environment Agency SR2008No21 Permit, it is only on the NRW issued SR2008No21 Permit which can be found here (<https://naturalresources.wales/permits-and-permissions/check-for-a-permit-licence-or-exemption/?lang=en>) This assessment has been integrated with all the previous actions and has also highlighted additional information that is required related to further specific issues that may cause concern in the event of a fire. Advice and guidance to allow you to improve your FPMP, in line with NRW guidance were outlined during our meeting with Ryan Jarman, and a summary of what was discussed can be found below.

As noted in the previous CAR form, in certain parts, the details of your plan relate closer to an environmental management system (EMS) than a fire prevention and mitigation plan (FPMP). For example, your plan outlines waste acceptance and rejection procedures. These are not relevant to your fire prevention and mitigation plan; however, these should be included in your environmental management system. The FPMP should be an easy to read documents, a pragmatic guide to follow to prevent a fire or to act promptly in case of one. NRW would recommend reshaping it in a more schematic and clear format.

1.0 Site plan – to be submitted by 13th May (agreed with R.Jarman), later extended to the beginning of June 2019 with Nicola Rushton.

1. This site plan provided is useful; however, certain aspects have been highlighted as requiring review or additional information. Discrepancies have emerged between what we have seen on site and what is outlined on the site plan:

- Several piles of Non-Combustible waste, as indicated on the site plan, turned out to be consisting of combustible material (see plastic cables, screening residues and other mixed waste from the depollution of ELVs). The plastic cable from BT, you stated that it has been on site for 7 months. The residues from the screening test (dirt and plastic mix) you stated that has been stored on site for 2 and half months. Both stacks have not been turned in the meantime;
- The size of some of the combustible waste stock piles such as Turnings (T), Baled Cans (BC), ELVs, seem to be largely underestimated compared to what was observed and recorded on inspection.
- The stacking of the baled cans was also too high and haphazard in nature. Recently a worker had been fatally crushed by poorly stacked baled plastic, and NRW would like to remind EMR of their responsibility to Health and Safety practice and their correct implementation.

1. Our guidance identifies a need to put a specific fire prevention quarantine area in place for your FPMP, separate to your quarantine area for non-permitted/undesigned wastes. This quarantine area should have the capacity to hold 50% of the largest stack on site, whilst leaving space for the correct separation distances and access for fire crews.
2. During our visit we could see that on site there is a free area placed roughly where the site plan identified as Q, the quarantine area, just opposite the ELV area. Talking with Ryan we understood that expansion plans are in place for ELV throughput where by more ELVs could be treated on site and their storage area increase.

Please ensure that even after the revision of the site plan a sufficient quarantine area for firefighting is always left available on site. This area can move around depending on your waste activities, however, the appropriate area needs to be available on site always.

1. Upon assessment of the plan we were concerned that not all ferrous metal stored on site was accurately accounted for in the plan. Most of the piles outlined on your site plan are identified as non-combustible waste. However, during our last visit I noted that all these piles didn't appear to contain non-ferrous, uncontaminated waste only. As such NRW requests that you confirm the nature of any of these materials. Waste stored indoors also hasn't been identified on the site plan. Please ensure that these materials are all adequately marked on your site plan.
2. It was noted that your WEEE storage area was located near your ELV depollution bay. Due to the potentially hazardous nature of WEEE wastes this causes a higher risk. As such NRW requests that you alter your storage to reduce this risk or alternatively put additional measures in place to control the risk. The current 6mm steel barrier does not provide the required 2 hour 'burn time' required, unless EMR can provide evidence to suggest otherwise.
3. Separation distances between WEEE wastes and the depollution area have also not been supplied.

1. Management and storage of wastes

1. Storage duration, dimensions

1. Our guidance requires information detailing the amount of waste accepted and treated daily. Please provide details of your daily waste acceptance and how these wastes are stored on arrival.
2. **Table 2** of your FPMP outlines figures for piles sizes for different types of waste, however, these do not identify the length (L), width (W) and heights (H) of these piles. Please identify which figures relate to which dimensions in this table. Similarly, in relation to separation distances, the plan identifies that the site will comply with the NRW guidance on separation distances, with a minimum *separation distance of 5m in place*. However, we require full details of what separation distances will be put in place for different waste piles, to allow us to assess whether the separation distances are appropriate for the lengths and type of each waste pile. You should use **Table 1 of our guidelines** to identify appropriate separation distances for waste stacks/piles.
3. Your plan outlines storage dimensions and stack sizes for ELVs. However, this is specific to unpolluted ELVs on arrival. Please confirm if ELVs will be stored in this manner following the depollution process or if other storage methods will be in place following depollution.
4. Your plan outlines that fire walls are in place on site for certain combustible wastes and provides a description of these walls. Please outline in your plan if these walls will provide 120 minutes of fire resistant in line with our guidance; if so, please provide details of how this can be demonstrated (Steel barrier surrounding WEEE waste).
5. As suggested during our meeting the missing information mentioned above are particularly important for the section of your site that comprises the WEEE bay, ELVs DP area, Turnings pile and Baled Cans. It would be useful to have more details and a “zoomed-in” version of the site plan for this section outlining all the important features mentioned above.
6. During our visit we noticed that several piles of combustible and non-combustible waste were not appropriately segregated, sometimes leaning one on top of the other with no segregation distance and contamination of mixed waste. This should be correct immediately especially for what concerns:

- a. the pile of mixed screening waste and the Turnings,
- b. the dirt and the bobbins,
- c. the ELVs and the BT cables and the Baled cans.
- d. Tyres in the container were stored correctly, but surrounded by a variety of other combustible waste piles

1. Storage within building and containers

1. Limited information has been included relating to the storage of waste within your building. Please provide details of how waste is stored within your building and how a fire in the building would be managed. This could include methods for clearing smoke from the building.
2. Evacuation procedures should be in place for the building and detailed in your FPMP.
3. Your plan outlines that containers are used for storage of tyres and wood. Please outline how these containers can be easily moved in the event of a fire, to allow access for the fire and rescue service.

2. Sensitive receptors

Thank you for supplying details of your sites receptors. Your plan outlines that details of your procedure for

alerting nearby businesses in the event of a fire are outlined in a Crisis Communications Plan. Please include relevant details of this plan in your fire prevention and mitigation plan.

1. Monitoring

1. From our visit, we could see that self-combustible wastes, including baled cans and turnings are located next to each other. As mentioned in section **2.1.5**, please provide further details on the distances between these piles and how the risks of self-combustion will be managed.
2. Your FPMP outlines that a thermal camera will be present on site to monitor self-heating in self-combustible waste piles, stacks. However, further details would be useful to determine how effective this monitoring would be. This information should include the specifications of the thermal camera, it's position and direction.
3. Similarly, training for staff on monitoring and detecting hotspots is mentioned in the plan. You have outlined the employees will receive fire extinguisher training and fire prevention awareness training.
4. Please provide further details on what the training for monitoring and detection of hotspots will consist of.

2. Fire and Rescue Service access

You have outlined certain details relating to the access route for the fire service to the site in the case of an incident. However, further details are required relating to access to the waste piles and fire breaks between the perimeter of the site and waste piles. This probably an information that should be already contained as noted in section **2.1.2**.

1. Managing an incident

1. Our guidance requires operators to outline how environmental effects of a fire will be managed. In your plan you have highlighted potential emissions and containment measures. This states that your site can retain 1,990,000 L of water. However, you haven't provided an adequate explanation of how these emissions will be contained. As such we require an effective assessment detailing how your site will protect receptors, as such the dock water from contamination by firewater, to ensure that no fire run-off enters the water.
2. In your plan you also describe a partly automatic and a manual suppression system that is in place in your shearing machinery. Please provide further details on how this mechanism is operated and how this would facilitate the site in the event of a fire.
3. Thank you for supplying details of your proposed, available water sources, including the on-site water hydrant and use of dock water. As discussed, you will not need any authorisation from NRW to abstract this water. However, you will need to get permission from ABP to use the water in the event of a fire. During our meeting you mentioned that following consultation with Fire Service, you have been advised not use the dock water. If this option is been discarded, than please update the FPMP accordingly otherwise, you will also need to supply details of access to this water source, this should include the distance of the water level from the edge of the site.
4. Similarly, you are required to outline how the amount of fire water used will be minimised on site. This could include using water fogs in place of jets or recycling of fire water if appropriate. After an incident NRW guidance outlines that sites must assess how they would deal with the aftermath of an incident, including details of how you plan to clear and maintain the site in the event of following a fire.
5. Our guidance also requires sites to regularly review their FPMP, to ensure it remains relevant to the sites operations. As such please include details of how regularly you will review your fire prevention and management plan.

2. Other issues

Whilst on site assessing the requirements for the FPMP, several other issues were highlighted that needed investigation into or evidence providing by EMR, specifically;

A1 - Specified by permit – over waste limits - CCS Score: Category 4 Breach – records show that waste accepted onto site shot up in 2017 to 108316t which is over the 75,000t per annum allowed on the SR2008No21, but under the 1,000,000t allowed on the SR2009No7. Please can EMR clarify whether they are operating within the permitted limits.

G4 – Reporting – no waste returns received for 2018 – CCS Score: Category 4 Breach - Please submit waste returns to NRW as soon as practicable.

C4 – Table 2.3 – Operating Techniques – CCS Score: Category 3 Breach – Waste piles stored on site in an unsafe manner (Baled cans) and is also stored in mixed piles of waste, without correct separation distances.

Throughout the FPMP references are made to your SWPs for additional information, such as for hot works. Any information that is outlined in the EMR, SWPs that are relevant to fire prevention and mitigation should also be included in the FPMP.

If you have any queries about the details outlined in this form, please get in contact on the details below.

Richard Palmer

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In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0033912**

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

Site	European Metal Recycling Ltd	Permit Ref	FP3094VP
Operator/Permit holder	European Metal Recycling Ltd	Date	23/04/2019

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.

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.

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			
A1	C4	Evidence otherwise or change to a bespoke permit which will allow for higher volumes of waste to be accepted on to site.	27/06/2019
G4	C4	Submit waste returns	27/06/2019
C4	C3	Create and implement a definitive site plan for waste storage including separation distances , pile size (height & width)	04/08/2019
C2	C3	Update FPMP and enact FPMP on site	04/08/2019

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.