

Compliance Assessment Report

Report ID:
CAR_NRW0035248

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

Site	D & E Scrap Metals Ltd	Permit Ref	BB3290CW		
Operator/Permit holder	D&E Scrap Metals Limited				
Regime	Waste Operations				
Date of assessment	12/06/2019	Time in	10:00	Out	11:20
Assessment type	Site Inspection				
Parts of the permit assessed	Various				
Lead officer's name	Lee, Jonathan				
Accompanied by					
Recipient's name/position	David Eagle, Tania Eagle/ Director, TCM	Date issued	17/06/2019		

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	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	X	
C1 - General Management - Staff competency/training	A	
D1 - Incident Management - Site security	A	

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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Compliance Assessment Report – D&E Scrap Metals Limited

Officer Jonathan LEE in attendance of D&E Scrap Metals, Newport to complete a compliance inspection of the recently issued environmental permit EPR-BB3290CW. Weather was overcast at the time of the inspection.

The permit EPR-BB3290CW was granted to D&E Scrap Metals Limited on the 12th April 2019 to operate under the standard ruleset 'SR2011 No3 – vehicle storage, depollution & dismantling (authorised treatment facility)'.

It should be noted that the permit holder also operates under several waste exemptions primarily for the treatment of scrap metal; S1/S2 (Storage of waste) and T9 (Recovery of scrap metal).

The inspection consisted of a meeting to familiarise the operator with the rules of the permit, the regulatory role of Natural Resources Wales (NRW) and an initial inspection of the permitted area.

Inspection

Site Management

Permit condition 1.1.1 (a) states that 'the operator shall manage and operate the activities in accordance with a written management system that identifies and minimises risk of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints'.

The operator has a comprehensive environmental management system (EMS) document (for compliance with BS8555 regulations) which outlines procedures for the management of the site in its entirety. This document was not reviewed for compliance as part of this inspection but will be reviewed during the next compliance inspection. It should be noted that your recently authorised permitted activity procedures (ELV treatment and storage) will need to be added to your EMS document to confirm compliance with permit condition 1.1.1 (a).

Whilst the EMS document was not inspected as part of this inspection, it should be noted that the site appeared well managed at the time of the inspection.

Site Activities

The site was operational at the time of the inspection. However, the number of end-of-life vehicles (ELV's) on site was limited to approximately five. The operator had sought to purchase ELV-specific depollution and battery storage equipment. The operator had also constructed a depollution bay and building within which depollution of ELV's is to take place. This depollution bay has an impermeable surface throughout and its drainage is completely sealed (see photo in Appendix). An audit of the depollution process will be carried out at a future compliance inspection to assess compliance with Tables 2.3 and 2.5 of your permit.

Technical Competency

Permit condition 1.1.4 states that 'the operator shall comply with the requirements of an approved competence scheme'.

The allocated Technically Competent Manager (TCM) for the site is Tania Eagle, who has the required certificate of technical competency to oversee the management of the site and its activities. This confirms compliance with permit condition 1.1.4. Please ensure that this certificate is kept in date.

Site Infrastructure

Table 2.3 'Operating techniques' outlines several infrastructure and operational requirements for the permit holder to adhere to. This table (in brief) requires ELV's to be stored on an impermeable surface with a sealed drainage system.

The site does primarily comprise of an impermeable surface. Concrete blocks are used by the operator to seal portions of the sites drainage, direct flow of liquids towards the appropriate interceptor and create easily distinguished 'bays' for the storage of separated metal waste fractions.

During the inspection some of the concrete blocks were being temporarily sealed at the base using sandbags (see photo 2). Whilst partially suitable as a short-term arrangement, these sandbags could be liable to leakages and do not meet the specification of sealed drainage system as detailed in Section 4.4. of your permit. Appropriate improvements to site drainage and profile of the site surface need to be implemented to ensure compliance with all sections of Table 2.3.

ACTION: Ensure that site drainage is fully sealed and that the portions of site used for the storage of waste vehicles have an impermeable surface.

A deadline of the 2nd September 2019 has been set for this action to be completed.

It should be noted that 'sealed drainage' is also a requirement of your 'T9 – Recovery of scrap metal' waste exemption.

Fire Prevention and Mitigation Plan (FPMP)

Permit condition 3.4.1. states that 'the operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance'.

An FPMP document has been submitted by the operator for review and assessment by NRW. The site FPMP was not assessed as part of this initial inspection. It is intended that this FPMP will be assessed as part of the next compliance inspection, your regulatory officer will contact you to arrange this inspection.

Waste Returns

Permit condition 4.2.2 states that 'within one month of the end of each quarter, the operator shall submit to NRW 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 quarter'.

The requirement to submit quarterly waste return information was explained to the operator. It should be noted that you are only required to report tonnages for waste(s) that are accepted and removed from site as part of your **permitted** activities (end of life vehicles) and not your exempt scrap metal waste activities.

Appendix – Site Photographs



Photo One – depollution bay



Photo Two – area of site requiring improvements to drainage infrastructure

Summary

No compliance breaches were identified during the inspection, although one issue requiring action was identified.

If you have any queries regarding this Compliance Assessment Report please contact regulatory officer Jonathan Lee on 0300 065 3908, or via email at jonathan.lee@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.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035248**

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Site	D & E Scrap Metals Ltd	Permit Ref	BB3290CW
Operator/Permit holder	D&E Scrap Metals Limited	Date	12/06/2019

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			
B3	X	Ensure that site drainage is fully sealed and that the portions of site used for the storage of waste vehicles have an impermeable surface.	02/09/2019

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.