

## Compliance Assessment Report CAR\_NRW0039671

**Permit being assessed:** AP3798FB.

For: E.J. Metals Recycling Ltd, held by EJ METALS RECYCLING LTD

At: Creuddyn Bridge, Lampeter, Ceredigion, SA48 8BA.

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

On 31/03/2022 between 10:30 and 12:00.

Parts of permit assessed: All

**NRW Lead Officer:** Malcolm Dines, accompanied by Jeremy Goddard.

**Report sent to:** Evan Jones, Owner on 11/04/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	C3 Minor	Condition A as set out in Paragraph 1(1) of Part 3 of Schedule 9 of The Environmental Permitting Regulations 2016
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.1.1

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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	NRW will require the site operator to comply with the required TCM attendance of 25% of the time that the site is open - 10 hours per week on site. Operator must also submit a fully updated EMS including relevant site plans	30/06/2022
C4	Ensure all undepolluted ELVs are depolluted or stored on impermeable pavement with sealed drainage	30/06/2022

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.

**You are non-compliant with your permit.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

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**

This was a routine compliance visit carried out by Malcolm Dines and Jeremy Goddard, who met with Evan Jones the site owner and operator and who accompanied us around the site. The weather was dry and bright, all areas of site were viewed in order to assess progress against compliance actions.

**Permit Breaches****C4 - Storage, handling, labeling and segregation - Cat 3; Permit Condition 2.1.1**

You have been given this category 3 breach under the above condition because during our inspection it was observed that there were still a significant number of End-of-Life Vehicles (ELV's) stored on the unmade area of the yard. As previously noted on CAR\_NRW0038791 the risk rating of ELVs on site is working well however, despite undepolluted ELVs are still stored in three areas of the site where there is no impermeable pavement and sealed drainage.

A Category 3 breach of permit condition 2.1.1 has been scored.

Actions – Continue to depollute all remaining undepolluted ELVs currently on site and which are not being stored on impermeable pavement with sealed drainage

A deadline of 30th June 2022 has been specified for these actions to be completed.

**C1 - Staff competency/training - Cat 3: Condition A as set out in Paragraph 1(1) of Part 3 of Schedule 9 of The Environmental Permitting Regulations 2016**

You have been given this Category 3 breach under the above condition because it was made clear on CAR Form CAR\_NRW0039048 that you were required to increase the amount of time that the Technical Competence Manager (TCM) spends on site to 10 hours a week due to the failure to progress the EMS to a workable document within the compliance deadline. Following this compliance visit and a review of the time spent on site by the TCM, they are still only spending 8 hours a month on-site and the EMS is still not complete, primarily due to the TCM not having sufficient time to work on the document.

A Category 3 breach of permit condition A, as set out in Paragraph 1(1) of Part 3 of Schedule 9 of The Environmental Permitting Regulations 2016 has been scored.

Actions – Ensure that the TCM attends site for a minimum of 10 hours a week.

This action must be complied with immediately..

The above breach also includes the failure to submit a fully reviewed and updated Environmental Management System (EMS) by the deadline of 31st March 2022. Currently only the general overview section of the EMS has been completed and submitted, but none of the Operational Documents referenced to in the overview and which contain the detail of how the site will be operated have been completed. There is also the need to update the site plans to reflect how the site is currently operated, this is an essential requirement as the plans are referred to in the following permit conditions: 2.1.1; 2.1.2; 3.1.1; 3.1.2; 3.1.3; 3.1.5; 5.1.2; 5.1.4; 5.3.1; 5.3.2; 5.3.3 and 5.4.1.

Actions – Submit a full, updated EMS including relevant site plans.

It has been agreed to extend the deadline for completing the EMS until 30th June 2022 however, due to the failure to meet the requirements set out in previous compliance reports, the score will not be suspended. In the event that fully updated site plans are not submitted within the required timescales, compliance with the permit conditions that reference the site plans will be reviewed at a subsequent compliance visit.

**Other general observations/comments**

Two of the outstanding compliance actions have now been completed: the Fire and Rescue Service have visited your site and have not raised any concerns about Fire Risk at the site. It has also been noted that all outstanding waste returns have been submitted as required.

*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.*

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](mailto: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](mailto: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.