

**This form will report compliance with your permit as determined by an Environment Agency officer**

Site	Benfleet Scrap Co Limited			Permit Ref	71088		
Operator/ Permit holder	Benfleet Scrap Co Limited						
Date	29/05/2018			Time in	15:30	Out	17:15
What parts of the permit were assessed	External site						
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X	Water Discharge	
Recipient's name/position	Richard Leeman, Leo Leeman, Mike Rogers						
Officer's name	Geoff King			Date issued	12/06/2018		

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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**Condition(s) breached**

a) Permitted activities	1. Specified by permit	A	
b) Infrastructure	1. Engineering for prevention & control of pollution	A	
	2. Closure & decommissioning	NA	
	3. Site drainage engineering (clean & foul)	A	
	4. Containment of stored materials	C3	7.2;
	5. Plant and equipment	A	
c) General management	1. Staff competency/ training	C3	Core guidance 9.8
	2. Management system & operating procedures	C3	1.1;
	3. Materials acceptance	A	
	4. Storage handling, labelling, segregation	C3	6.4; 6.9;
d) Incident management	1. Site security	C3	4.3;
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	A	
	5. Waste	NA	
f) Amenity	1. Odour	A	
	2. Noise	A	
	3. Dust/fibres/particulates & litter	A	
	4. Pests, birds & scavengers	A	
	5. Deposits on road	A	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	NA	
	2. Energy	NA	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),**A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored****Number of breaches recorded**

5

Total compliance score
(see section 5 for scoring scheme)

20

If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

This was an unannounced visit prompted by a report that waste had left the site due to a broken perimeter wall and contaminated the adjoining field.

At site I met the office manager/Technically Competent Manager Mike Rogers and yard foreman/Technically Competent Manager Leo Leeman who explained their processes and took me on a site tour.

Both Mike and Leo were very knowledgeable about the site and permit and were able to fully answer all questions. I was very impressed with their knowledge of the site but was disappointed that no action had been taken in relation to a couple of easily visible breaches.

You have been breached for 4 permit breaches but only scored for 3, these are listed below. It is standard practice to consider the root cause of all breaches and also score you for them. The root cause of 3 permit breaches at your site stem from the same permit section and therefore you will only be scored once for these similar root causes.

B4 - Category 3 Breach of permit condition 7.2 No waste shall be allowed to escape from the site.

See Photo 2 Waste escape, Photo 3 More waste escaping and Photo 4 Oil escape.

As previously explained, the metal retaining walls to the east of the site have collapsed in many places and although they have been shored up they have not been fully sealed. These collapsed areas have allowed waste to escape from the permitted site. The escaped waste consists mainly of metal components and also two patches of oil. The oil does not appear to be soaking into the soil but it must be recovered.

Action.

- 1. The retaining wall needs to be permanently fixed or replaced. Due to the size of the wall this will not be a quick fix, therefore please supply me with a plan and timescale of work. Please supply these to me by 25/06/2018.**
- 2. All waste which has escaped from your site must be retrieved and returned to your site. Please complete this by 21/06/2018.**
- 3. The area outside of your site which has been contaminated by you must be remediated. The contaminated ground must be removed or cleaned to a level which you are able to satisfactorily demonstrate contains no residual pollution. Please complete this by 28/06/2018.**

ROOT CAUSE – C1 - Category 3 Breach of Core Guidance Section 9.8 Technical Competence

It is standard practice to consider the root cause of all breaches on site. The root cause of the above breach can be traced to the lack of compliance with section 9.8 of the "Environmental Permitting Guidance - Core Guidance" which states you must manage and operate site activities using sufficient competent persons and resources.

Your site competent persons have not complied with the following sections of your Working Plan:

"Section 5.1 A leak or spillage may not be polluting in itself but may lead to pollution if not properly controlled and remedied."

"Section 5.10 All wastes on site will be stored in designated areas designed specifically to handle the waste and potential associated pollution risk". The fact that waste metal and oil has left your site shows that certain designated areas are not able to handle pollution risks.

PLEASE NOTE: it has been identified that you have breached the same condition 3 times for different reasons therefore these breaches have been recorded as 1 category 3 breach.

Action:

- 4. Technically Competent Managers to familiarise themselves with the requirements of your sites working plan. Please complete this by 02/07/2018.**

D1 - Category 3 Breach of permit condition 4.3 Gates and fencing shall be maintained in order to deter unauthorised access to the site.

See Photo 1 Metal retaining wall.

The metal retaining walls to the east of the site have collapsed in many places and although they have been shored up they have not been fully sealed. These collapsed areas may allow access to the site especially now the greenery has been cleared from the adjoining field.

Action:

- 4. Please block all access points from the wall. Please complete this by 02/07/2018.**
- 5. Same requirement as action 1 above.**

ROOT CAUSE – C1 - Category 3 Breach of Core Guidance Section 9.8 Technical Competence

It is standard practice to consider the root cause of all breaches on site. The root cause of the above breach can be traced to the lack of compliance with section 9.8 of the "Environmental Permitting Guidance - Core Guidance" which can be found at the following location:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/211852/pb13897-ep-core-guidance-130220.pdf.

Section 9.8 states you must manage and operate site activities using sufficient competent persons and resources.

Your site competent persons have not complied with the following sections of your Working Plan:

"Section 4.2 maintenance of Site Security.

The condition of the perimeter fencing and walls is inspected on a daily basis using the site inspection form. Any damage or compromise of the site's security will be noted on the inspection form, and repairs recorded in the site diary. Where required, temporary repairs will be made, and provision for full repairs will be made as soon as practicably possible."

"Section 4.1 of your management system states "Site security is of high priority on metal recycling sites because of the inherent value of many of the materials and plant stored on site."

PLEASE NOTE: it has been identified that you have breached the same condition 3 times for different reasons therefore these breaches have been recorded as 1 category 3 breach.

C4 - Category 3 Breach of permit condition 6.9 No waste material shall be stored or stacked to a height greater than 5.0 metres.

See Photo 5 Swarf bay.

The new concrete bays are 5 metres tall and this makes it easy for everyone to determine waste pile heights. The steel swarf was clearly stored to a height in excess of 5 metres. Although you had been let down by hauliers who were due to remove some of your waste and therefore reduce the pile size you must actively manage the issue to resolve the problem as soon as you notice it.

Action:

- 6. Reduce the waste height to 5.0 metres or less. Please action this by 15/06/2018.**

ROOT CAUSE – C2 - Category 3 Breach of permit condition 1.1 Management System

It is standard practice to consider the root cause of all breaches on site. The root cause of the above breach; waste stored in piles greater than 5.0 metres, can be traced to the lack of detail in the management system which gives no information of maximum waste pile sizes.

Action:

- 7. Please update your Working plan to include waste pile heights. Please send me an updated copy of your working plan by 06/08/2018.**

C4 - Category 3 Breach of permit condition 6.4 All batteries shall be stored in either a covered bunded impervious area or a suitable sealed container.

See Photo 6 Open battery box.

There was a battery box in the open by the wall opposite the weighbridge which contained several lead acid batteries. Some batteries were on their sides and there was a small amount of liquid visible in the container. The battery box was not in a covered bunded area and had no lid. Mike and Leo explained that the lids had been taken by a customer and had not been returned therefore they will purchase new lids and were also aware that any liquid in the battery box should be treated as hazardous waste.

Action:

8. Either move the battery boxes to a covered area or provide a lid. Please action this by 15/06/2018.

9. Dispose of the liquid as hazardous waste.

ROOT CAUSE – C1 - Category 3 Breach of Core Guidance Section 9.8 Technical Competence

It is standard practice to consider the root cause of all breaches on site. The root cause of the above breach can be traced to the lack of compliance with section 9.8 of the "Environmental Permitting Guidance - Core Guidance" which states you must manage and operate site activities using sufficient competent persons and resources.

Your site competent persons have not complied with the following sections of your Working Plan:

"Section 2.5 Materials storage iv) batteries – stored upright in plastic pallet bins, undercover on impermeable concrete paving and within the sealed drainage system."

PLEASE NOTE: it has been identified that you have breached the same condition 3 times for different reasons therefore these breaches have been recorded as 1 category 3 breach.

Stacked vehicles

See Photo 7 Stacked vehicles.

Stacked vehicles are kept close to the metal retaining wall at the east of the site. The metal wall is not 5.0 metres high and does not offer any protection to anyone working outside the site if a vehicle was to fall from the stack.

Action:

10. With immediate effect match the vehicle stack height with the retaining wall height and also consider whether the current wall is strong enough to retain a falling vehicle.

Development of site

This site has recently benefited from development whereby a good portion of the site has been laid to impermeable surface. Concrete walls and bays have been introduced to one area and hold different metal wastes. Improved drainage has also been installed. Further concreting of the site surface is planned and one area has been partially prepared.

Action

11. The Compliance Assessment Report from the site visit conducted on 08/03/2018 requested a copy of the drainage plan. Please provide me with a site drainage plan by 25/06/2018.

Drainage

The site has 2 interceptors which should be able to cope with most spillages. The tool for checking the interceptors and penstock valve was not readily to hand during the site inspection however Leo stated he would make sure one was available in the future.

Fire prevention

The site's fire prevention measures have been considered and include the following:

1. A water tower close to the shear. This has a range of around 30m which is approximately half the width of the yard.

2. Two trolley mounted compressed foam extinguishers.
3. Multiple hand held extinguishers around the yard.

Amenity

No issues were identified in relation to noise, odour, dust, vermin.

The level of waste on site was high due to lorries not turning up to remove waste. Also some of the site had been taken out of action to be improved which meant there was less space available however, most of the site that was active was well maintained and neat.

I expect that when the surface concreting is complete and the retaining walls are replaced this will be a very neat site.

Section 2 – Photographic Evidence

Photo 1 Metal retaining wall



Photo 2 Waste escape



Photo 3 More waste escaping



Photo 4 Oil escape



Photo 5 Swarf bay




Photo 6 Open battery box



Photo 7 Stacked vehicles



 Environment Agency	EPR Compliance Assessment Report	Report ID: 71088/0308611	
This form will report compliance with your permit as determined by an Environment Agency officer			
Site	Benfleet Scrap Co Limited	Permit	71088
Operator/ Permit	Benfleet Scrap Co Limited	Date	29/05/2018

Section 3- Enforcement Response		Only one of the boxes below should be ticked	
<p>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.</p>			
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.			X
In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.			
We will now consider what enforcement action is appropriate and notify you, referencing this form.			

Section 4- Action(s)			
Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required / Advised	Due Date
See Section 1 above			
B4	C3	1. The retaining wall needs to be permanently fixed or replaced. Due to the size of the wall this will not be a quick fix, therefore please supply me with a plan and timescale of work. 2. All waste which has escaped from your site must be retrieved and returned to your site. 3. The area outside of your site which has been contaminated by you must be remediated. The contaminated ground must be removed or cleaned to a level which you are able to satisfactorily demonstrate contains no residual pollution.	1. 25/06/18 2. 21/06/18 3. 28/06/18
C1	C3	4. Technically Competent Managers to familiarise themselves with the requirements of your sites working plan.	4. 02/07/18
C2	C3	8. Please update your Working plan to include waste pile heights	8. 06/08/18
C4	C3	7. Reduce the waste height to 5.0 metres or less. 9. Either move the battery boxes to a covered area or provide a lid 10. Dispose of the liquid as hazardous waste.	7. 15/06/18 9. 15/06/18 10.02/07/18
D1	C3	5. Please block all access points from the wall. 6. Same requirement as action 1 above.	5. 02/07/18 6. As 1 above

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 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.

● A civil sanction Enforcement Undertaking (EU) offer may also be available to you as an alternative enforcement response for this/these offence(s).

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 which 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 Environment Agency to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). The Environment Agency 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 (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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The Environment Agency 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 Environment Agency 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 28 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 the officer's line managers. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 03708 506 506 (Mon to Fri 08.00–18.00) and ask for the Customer Contact team or send an email to enquiries@environment-agency.gov.uk. If you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the [Parliamentary and Health Service Ombudsman](#) phone their helpline on 0345 015 4033.