

Compliance Assessment Report

Report ID:
CAR_NRW0026489

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

Site	Heads Of The Valley Salvage Limited		Permit Ref	YP3992EN	
Operator/Permit holder	Heads Of The Valley Salvage Limited				
Regime	Waste Operations				
Date of assessment	28/09/2016	Time in	10:10	Out	11:35
Assessment type	Site Inspection				
Parts of the permit assessed	Operational area, infrastructure and storage				
Lead officer's name	Tye, Laoni				
Accompanied by					
Recipient's name/position	Mr Colin and Neil Williams. / Site manager and TCM	Date issued	14/11/2016		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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
B1 - Infrastructure - Engineering for prevention and control of emissions	C3	Table 3.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	3.1.1
C2 - General Management - Management system and operating procedures	C2	1.1.1
C3 - General Management - Materials acceptance	C3 - Suspended	2.2
C4 - General Management - Storage, handling labelling and Segregation	C3	3.1.1

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	5	Total compliance score (see section 5 for scoring scheme)	43
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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

Environment officer Laoni Tye visited site on the 28th September 2016 and met with John Harrison, Environmental consultant and Neil Williams, site director. The purpose of the visit was to discuss progress with the Emissions Management Plan and to conduct a site inspection. There were a number of breaches recorded which have been outlined below. We understand that an application for a bespoke permit is currently in progress but until a new permit is issued and the issues are rectified there will still be breaches recorded against the permit for any non-compliance. We are currently awaiting additional information to enable us to continue with the determination.

Breaches recorded

B1 infrastructure - Engineering for prevention and control of emissions. Category 3 breach.

Table 3.1 states that all other wastes must be stored on an impermeable surface with a sealed drainage system. The drainage system on site is not a sealed drainage system which is not in line with the conditions of the standard rules permit.

Action: A Bespoke permit application has been submitted.

B3 infrastructure – Site drainage (Clean and foul). Category 3 breach.

Condition 3.1.1 states that emissions not controlled by emissions limits (excluding odour) shall not cause pollution. During the visit oil could be seen in the land drain after the oil interceptor which is not permitted. This indicates that the oil interceptor is not working effectively and/or that oil spills are not being cleaned up appropriately on site. There was evidence of this with areas of oil around the interceptor and around the crusher that have not been cleared up. There was no evidence of any spill kits on site or that any spill kits had been used. This can be seen as a maintenance and management failure which is outlined below under management systems and operating failures.

Action: As discussed on site the land drain will need to be cleared out and de-silted of oily contaminants due to the historic and ongoing pollution to the land drain. Please update the EMP as agreed with a deadline for these works to be completed to be agreed by NRW by the 26th October 2016.

****Since the visit the EMP has been submitted ref: EMPHoV2016draft3****

Action: See actions below under C2 Management.

C2 Management – Management systems and operating procedures. Category 2 breach.

Condition 1.1.1 states that the operator shall manage the activities in accordance with a written management system that identifies and minimises risks of pollution. There is no Environment management system (EMS) in place which is a fundamental breach of the permit conditions and can be seen as the root cause of breaches on site. This has been escalated to a category 2 breach due to the ongoing issues this is causing on site and the length of time the site has now been operating without one.

Action: Produce and implement an Environment management system for your site in line with the conditions of the permit, in line with the notice served on the 28th September 2016.

The interceptor has not been maintained effectively which is allowing oil to enter the land drain. I was advised on site that the interceptor has not been de-silted and that the integrity of the tank has not been checked. The third chamber of the interceptor was not a clear colour and oil could be seen on the surface which indicates that it is not working effectively. These checks and procedures should form part of your management for the site and will need to be incorporated into the EMS.

Action: We understand that you are now looking at upgrading the interceptor to meet class 1 standards. The date you have set in your updated Emissions Management Plan (Draft 3) is **November/December 2016 which we agree as a deadline for the relevant works to be complete**. In the meantime you will need to ensure checks are made daily and any oil build up is removed and disposed of accordingly. We recommend getting in a waste contractor to empty and de-silt the tank which will help to ensure there are no further pollutions.

Oil spills are not being cleared up and spill kits are not being used on site. Whilst on site we witnessed oil around the crusher which had a direct pathway to ground where the concrete had been dug up ready for new concrete. We understand that to improve the infrastructure this area needed to be dug up but we would expect mitigation to be put in place in the meantime to ensure oil does not affect the unmade ground. These issues are again attributed to a lack of management on site and no EMS.

Action: Ensure all oil spills are cleaned up as soon as possible after a spill and that all waste is disposed of correctly with immediate effect. This would need to be sent off site and consigned as hazardous waste. These processes will need to be included in the EMS.

C3 Management – Waste Acceptance. Category 3 breach – *score suspended

Condition 2.2 specifies that waste shall only be accepted if it is of a type and quantity listed in Table 2.2. You have been storing and importing scrap metal which is not authorised under this permit. We have agreed to keep this score suspended whilst we await determination of the Bespoke permit. However, scrap metal is spilling off the impermeable surface onto the bank and is not being stored correctly. If this problem persists we may consider removing the temporary suspension and taking further enforcement action.

Action: You must ensure clean, uncontaminated scrap metal is stored on either an impermeable surface or hardstanding.

C4 Management – Storage, handling, labelling and segregation. Category 3 breach.

Permit condition 3.1.1 Table 3.1 states that all glass, ferrous and non-ferrous metals arising from the treatment of end of life vehicles shall be stored on hardstanding or an impermeable surface with sealed drainage system.

There are car shells and scrap metal still stored on unmade ground. Scrap metal is spilling off the impermeable surface onto the bank which is unmade ground. Your permit allows you to store clean uncontaminated metal on areas of hardstanding but not on unmade ground.

There has been some progress with moving the waste from areas of unmade ground, there is an area to the south east that has been cleared. Mr Harrison advised that there were plans to continue removing this waste and also to hand pick any contaminants left along the bank where the waste has been removed.

Action: The deadline that you have set for the correct storage and/or removal of this waste is December 2016 which you have advised me you are able to achieve. If you could please provide me with regular updates as to what waste has been removed from site so that this deadline can be met.

Other comments

Since the visit you have confirmed that the new concrete has been laid in the treatment area which we are pleased to hear. Please can you send us evidence of this to include a photograph of the area. We also saw at the visit that hardcore had been delivered to the site which will be laid to improve areas of hardstanding. This should help alleviate storage issues as clean uncontaminated metal can be stored on these areas rather than unmade ground.

If you have any questions please get in touch.

*Please note due to a technical issue photographs of the visit will be included in a separate document and emailed to you.

EPR Compliance Assessment Report

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Site	Heads Of The Valley Salvage Limited	Permit Ref	YP3992EN
Operator/Permit holder	Heads Of The Valley Salvage Limited	Date	28/09/2016

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.

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.

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			
B1	C3	A Bespoke permit application has been submitted and we are waiting for additional information to be submitted.	10/11/2016
B3	C3	As discussed on site the land drain will need to be cleared out and de-silted of oily contaminants due to the historic and ongoing pollution to the land drain. Please update the EMP as agreed with a deadline for these works to be completed to be agreed by NRW.	30/11/2016
C4	C3	The deadline that you have set for the correct storage and/or removal of this waste is December 2016 which you have advised me you are able to achieve. If you could please provide me with regular updates as to what waste has been removed from site so that this deadline can be met.	29/12/2016
C3	C3	You must ensure clean, uncontaminated scrap metal is stored on either an impermeable surface or hardstanding.	18/11/2016
C2	C2	See comments in details	26/10/2016

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 reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty 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.