

Compliance Assessment Report CAR_NRW0040191

Permit being assessed: BB3296CU.
For: Frongoch Lead Mine, held by Mark Skitt
At: Frongoch, Trisant, Aberystwyth, Ceredigion, SY23 4RL.

Type of assessment carried out: Site Inspection, Reason: Routine.
On 06/07/2022 between 11:30 and 13:00.
Parts of permit assessed: All

NRW Lead Officer: Malcolm Dines, accompanied by Jeremy Goddard.
Report sent to: Mark Skitt, Owner on 15/08/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.4.1
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor	2.3.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	Action only (X)	
B4 - Infrastructure - Containment of stored materials	C3 Minor	2.5.1
B5 - Infrastructure - Plant and equipment	Assessed (A)	
C1 - General Management - Staff competency/training	C3 Minor	1.1.4
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
C3 - General Management - Materials acceptance	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Action only (X)	
D1 - Incident Management - Site security	Action only (X)	
D2 - Incident Management - Accidents, emergency and incident planning	Action only (X)	
E1 - Emissions - Air	Assessed (A)	
E2 - Emissions - Land and groundwater	C3 Minor	3.1.1
E3 - Emissions - Surface water	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
F5 - Amenity - Deposits on road	Assessed (A)	

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C4 No impact	4.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.2.2

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

Total number of non-compliances recorded	Total non-compliance score
8	28.1

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
A1	Ensure that you comply fully with notices issued under Section 59 of the Environment Protection Act 1990.	30/09/2022
B1	Submit a written plan with reasonable timescales for the construction of the new shed and when all undepolluted ELVs will be stored on impermeable pavement	30/09/2022
B3	Submit a written plan with reasonable timescales for the construction of the new shed and when all undepolluted ELVs will be stored on impermeable pavement	30/09/2022
B4	Ensure that all polluting liquids are stored with adequate secondary containment	08/08/2022
C1	Comply with an approved competency scheme	31/08/2022
C2	Ensure that you comply fully with your Environmental Management System (EMS) and update it to reflect operational changes at the site. When you update the EMS you MUST refer to and follow the Natural Resources Wales (NRW) guidance document, "How to Comply with your Environmental Permit" . Submit the revised EMS to NRW for review.	30/09/2022
C4	Submit a written plan with timescales for when you be able to improve the site infrastructure to be compliant with this permit condition. Until further site improvements are made, you MUST prioritise storing undepolluted ELVs and ELV parts on impermeable pavement	30/09/2022
D1	Submit a written plan with timescales for how you will prevent unauthorised access to the site including where the public rights of way cross the site. Including updating section 2.6 of your EMS	30/09/2022
D2	Ensure that there are adequate spill kits located in all parts of the site where undepolluted ELVs and ELV waste is stored or treated	08/08/2022
E2	Ensure that undepolluted and oily wastes are stored on impermeable pavement with sealed drainage and that any oil	08/08/2022

Criteria	Action needed	Complete by
	spills are cleaned up at the earliest opportunity	
G2	Ensure that all records required by your EMS are made and kept in accordance with the relevant sections of the EMS	08/08/2022
G4	Submit all outstanding waste returns: Calendar years 2019, 2020 and 2021	30/09/2022

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 compliance visit was carried out by Malcolm Dines and Jeremy Goddard as a routine compliance visit. The weather was dry, sunny and warm. Officers met with Mark Skitt, the owner and TCM for the site who accompanied the officers for the visit. A full assessment of the site was undertaken.

Permit Breaches

A1 – Specified by Permit – Cat 3 ; Permit Condition 2.4.1

You have been given this category 3 breach under the above condition because during the inspection it was identified that you are still storing waste outside the permit boundary. It is reasonably foreseeable that failing to store waste within the permit boundary will result in a minor pollution of the environment. This breach of permit was first identified in CAR form (ref: CAR_NRW0038701). As you are currently working to address the situation under a Section 59 notice issued separately to compliance action, the score for this breach is suspended until further notice. Please note that any failure to comply with the relevant notices issued to you for this breach may result in the suspension being lifted and all suspended scores for this breach becoming active.

Action – Ensure that you comply fully with notices issued under Section 59 of the Environment Protection Act 1990. **30 September 2022.**

B1 – Engineering for the Prevention and Control of Emissions – Cat 3 ; Permit Condition 2.3.1 & 2.5.1

You have been given this category 3 breach under the above condition because during the inspection it was identified that you are not storing undepolluted ELVs on impermeable

pavement with sealed drainage as required. It is reasonably foreseeable that failing to store undepolluted ELVs on impermeable pavement with sealed drainage will result in a minor pollution of the environment. You have been talking about erecting a new shed at the site that should ensure a considerable improvement in how you are able to store wastes at your site and this must enable you to store all undepolluted ELVs on impermeable pavement with sealed drainage. It is essential that we can agree timescales for this site improvement. The score for this breach will not be suspended until a suitable timescale is agreed. Once the timescale is agreed further scores will be suspended for this breach unless you fail to comply with the deadline, or any subsequently agreed deadline.

Action – Submit a written plan with reasonable timescales for the construction of the new shed and when all undepolluted ELVs will be stored on impermeable pavement. **By 30 September 2022.**

B3 – Site Drainage Clean & Foul – Action Only ; Permit Condition 2.3.1

You have been given this category 3 breach under the above condition because during the inspection it was identified that waste storage areas for undepolluted waste does not have sealed drainage as required by the permit. It is reasonably foreseeable that storing undepolluted wastes on areas without adequate drainage will result in a minor pollution to the environment. This breach is consolidated under the above breach of permit condition 2.3.1.

Action – Submit a written plan with reasonable timescales for the construction of the new shed and when all undepolluted ELVs will be stored on impermeable pavement. **By 30 September 2022.**

B4 – Containment of Stored Materials – Cat 3 ; Permit Condition 2.5.1

You have been given this category 3 breach under the above condition because during the inspection it was identified that waste oils were being stored in an Intermediate Bulk Container (IBC) without secondary containment. It is reasonably foreseeable that the failure to store potentially polluting liquids in areas with secondary containment will result in a minor pollution of the environment.

Action – Ensure that all polluting liquids are stored with adequate secondary containment. **With immediate effect.**

C1 – Staff Competency & Training – Cat 3; Permit Condition 1.1.4

At the time of the compliance visit you are failing to comply with the requirements of an approved competency scheme as required by the above permit condition. You do not have a Technically Competent Manager. Morgan Skitt had been registered with WAMITAB to undertake a suitable course when your permit was issued and although it is accepted by NRW that his ability to gain the qualification has been impacted by the COVID pandemic, neither Morgan nor you have made sufficient effort since test centres re-opened in spring 2021 to gain this qualification. It is reasonably foreseeable that the failure to have a suitably qualified person managing site will result in pollution of the environment due to a failure to understand the requirements of the permit and environmental legislation, especially considering the polluting nature of the wastes that you handle at your site.

You must ensure that either yourself or Morgan Skitt have registered with a qualification centre to undertake a relevant qualification for the treatment of ELVs and prove evidence of this to NRW, by 31st August 2022. As long as conditions at the site and compliance with your permit continue to improve, you will then have 12 months to achieve that qualification, during which scores for the breach of this permit condition will be suspended. The failure to comply with any action deadline, or subsequently agreed deadline, on this or any subsequent CAR forms, will result in this and all previous scores for this permit breach being re-activated in accordance with NRW policy.

The failure to comply with this action will result in you being required to employ a suitably qualified Technically Competent Manger by 7 September 2022 and that manager will be required to attend your site for at least one day a week.

Action – Ensure that either yourself or Morgan Skitt register to undertake a suitable competency qualification and submit evidence of the registration to NRW. **By 31 August 2022.**

C2 – Management System and Operating Procedures – Cat 3; Permit Condition 1.1.1

During this compliance visit a review of your Environmental Management System (EMS) was carried out. The EMS itself is a very detailed document however, it is clear from the other permit breaches that you are not operating the site in accordance with the EMS as required by permit condition 1.1.1. There is no evidence that this permit breach has caused any significant pollution of the environment however, due to the hazardous liquids contained in undepolluted ELVs and your failure to store undepolluted ELVs and ELV waste within the permit boundary and on impermeable pavement, it is reasonably foreseeable that this could result in a minor pollution of the environment. The longer undepolluted vehicles are stored without adequate infrastructure, the greater the risk of damage or leaks from the vehicle. Therefore, any failure to comply with the Section 59 notices issued and because you have been made aware of the risk and you would be failing to act on that information, may result in higher scores for this compliance breach in the future

Action – Ensure that you comply fully with your EMS and update it to reflect operational changes at the site. When you update the EMS you MUST refer to and follow the NRW Guidance, "How to Comply with your Environmental Permit". [How to comply with your environmental permit.pdf](#) . Submit the revised EMS to NRW for review. **With immediate effect.**

C4 – Storage, Handling, Labelling and Segregation of Wastes – Action Only; Permit Condition 2.5.1

You have been given this category 3 breach under the above permit condition as waste storage at your site is not adequate and does not comply with the requirements of the permit. Undepolluted ELVs are stored on areas of the site that does not have impermeable pavement with sealed drainage. Additionally, uncontaminated plastic, glass and metal parts are stored on areas of the site that do not have hardstanding or impermeable pavement. It is reasonably foreseeable that the failure to store wastes on suitable infrastructure will result in a minor pollution of the environment.

You have been talking about erecting a new shed at the site that should ensure a

considerable improvement in how you are able to store wastes at your site. It is essential that we can agree timescales for this site improvement. The score for this breach will not be suspended until a suitable timescale is agreed. Once the timescale is agreed further scores will be suspended for this breach unless you fail to comply with the deadline, or any subsequently agreed deadline. This breach is consolidated under the above breach of permit condition 2.5.1.

Action – Submit a written plan with timescales for when you be able to improve the site infrastructure to be compliant with this permit condition. Until further site improvements are made, you **MUST** prioritise storing undepolluted ELVs and ELV parts on impermeable pavement. **By 30 September 2022.**

D1 – Security – Action Only; Permit Condition 1.1.1

You have been given this category 3 breach of the above permit condition as the site does not have any security measures to prevent access to the site by humans. In addition, there are two public rights of way that cross the site. Without security measures to prevent access to the site, there is risk to human health from injury and there is a risk that the site could be targeted by thieves or arsonists. Therefore it is reasonably foreseeable that the failure to provide adequate site security will result in a minor pollution of the environment. This breach has been consolidated under the above breach of permit condition 1.1.1.

Action – Submit a written plan with timescales for how you will prevent unauthorised access to the site including where the public rights of way cross the site. Including updating section 2.6 of your EMS. **By 30 September 2022.**

D2 – Accident, Emergency and Incident Planning – Action Only; Permit Condition 1.1.1

You have been given this category 3 breach of the above permit condition as it was identified during the site visit that there are no spill kits at your site. Spill kits are essential for sites that are storing and treating undepolluted ELVs and ELV parts. You must ensure that you have suitable spill kits at all locations on the site where undepolluted ELVs and ELV waste is stored. It is reasonably foreseeable that the failure to have spill kits at your site may result in a minor pollution of the environment. This breach has been consolidated under the above breach of permit condition 1.1.1.

Action – Ensure that there are adequate spill kits located in all parts of the site where undepolluted ELVs and ELV waste is stored or treated. **With immediate effect.**

E2 – Emissions - Land – Cat 3; Permit Condition 3.1.1

You have been given this category 3 breach of the above permit condition as it was identified during the site visit that were several small oil spills around the site on areas of hardstanding. This means that oil is being transmitted to ground and it is reasonably foreseeable that this will result in a minor pollution of the environment. You must ensure that undepolluted wastes are stored on impermeable pavement and that in the event of an oil spill occurring, it is cleaned up using a spill kit at the earliest opportunity. As your attention has now been drawn to this matter, in the event of further oil spills being identified, the compliance score against this permit condition and permit condition 1.1.1

may be increased as you will have failed to improve your site management.

Action – Ensure that undepolluted and oily wastes are stored on impermeable pavement with sealed drainage and that any oil spills are cleaned up at the earliest opportunity. **With immediate effect.**

G2 – Records of Daily Activity – Cat 4; Permit Condition 4.1.1

You have been given this category 4 breach of the above permit condition as it was identified during the site visit that the records required to be made by Section 3.11 of your EMS have not been made. It is reasonably foreseeable that this permit breach will not have any environmental impact however, as this matter has now been drawn to your attention, the failure to improve record keeping as required may result in you receiving a higher compliance score for breaches of this permit condition in the future.

Action – Ensure that all records required by your EMS are made and kept in accordance with the relevant sections of the EMS. **With immediate effect.**

G4 – Reporting and Notifications to NRW – Cat 3; Permit Condition 4.2.2

You have been given this category 3 breach of the above permit condition because you have failed to submit waste returns for the site as required for each calendar year. It is reasonably foreseeable that the failure to consistently submit waste returns for your site, covering a period of several years, may result in a minor pollution of the environment.

Action – Ensure that all records required by your EMS are made and kept in accordance with the relevant sections of the EMS. **By 30 September 2022**

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 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

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.