

## Compliance Assessment Report CAR\_NRW0040939

**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 11/10/2022 between 15:00 and 16:15.

Parts of permit assessed: All

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

**Report sent to:** Mark Skitt, Owner on 18/01/2023.

### 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 (Suspended)	2.4.1
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor (Suspended)	2.3.1 & 2.5.1
C1 - General Management - Staff competency/training	C3 Minor	1.1.4
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor	1.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	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
5	8.1

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	Comply with Section 59 notice to move all waste to within the permit boundary	18/01/2023
B1	Ensure that all undepolluted ELVs are stored on an impermeable surface with sealed drainage	31/03/2023
C1	Provide evidence that you have enrolled on and are participating in a suitable course	31/03/2023
D2	Ensure that adequate spill kits are provided for areas of the site where undepolluted ELVs and ELV waste is stored	31/03/2023

Criteria	Action needed	Complete by
G4	Submit all outstanding waste returns	31/03/2023

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 pre-arranged compliance inspection carried out by Malcolm Dines and Jeremy Goddard to review compliance with the Section 59 notice in force at the site and which expired on 30 September 2022. Officers met with Mark Skitt, the site owner and operator and were accompanied by him throughout the compliance visit.

The Section 59 notice was issued following a compliance visit (Compliance Report ref: CAR\_NRW0040191) on 6 July 2022. However, on 5th August 2022 a large hole opened on part of the site, caused by a collapse of underground mineworkings, resulting in three Range Rovers falling into the hole. Since then the focus of NRW's work at the site has been to identify and minimise the risk of further collapse and reducing the risk of harm to human health with regards to yourself and people you work with, NRW staff and other regulatory bodies as well as members of the public. Therefore, in reviewing outstanding actions, NRW has taken into account the impact that this essential work has had on the ability to meet the required deadlines.

**Please read the report carefully and make sure you understand the new requirements.**

A1 – Specified by Permit – Cat 3 (suspended); Permit Condition 2.4.1

You have been given this category 3 breach under the above condition because End-of-Life Vehicles (ELVs) and ELV wastes are still being stored 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. 18th January 2023.

B1 – Engineering for the Prevention and Control of Emissions – Cat 3 (suspended); 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 undepolluted ELVs are not being stored on impermeable pavement with sealed drainage as required. It is reasonably foreseeable that this breach will result in a minor pollution of the environment.

This was an action carried over from Compliance Report (ref: CAR\_NRW0040191) in which the deadline for the required action was 30th September 2022.

The priority at the site is for you to comply with the Section 59 notice requiring all ELVs and ELV wastes to be stored within the permit boundary. However, it is acknowledged that your ability to do this is significantly hindered by the subsidence at the site caused by the collapse of underground workings which has resulted in a reduction of the useable area within the permit boundary. Therefore the score for this non-compliance will be suspended until the issues relating to the ground collapse are resolved.

**Action:**

- 1) Carry out daily checks to ensure that any undepolluted ELVs, or other wastes that could contain polluting liquids that are stored on areas of the site that are not an impermeable surface with sealed drainage are not causing pollution.
- 2) Any spill must be cleared up immediately and the item causing the spill must be immediately moved to an area of the site with an impermeable surface and sealed drainage.
- 3) Record the outcome of any required actions in a site diary.

The failure to adhere to these requirements will be a breach of permit and may result in the score for this non-compliance being unsuspending.

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

On the previous Compliance Report (CAR ref: CAR\_NRW0040191), you were given a category 3 breach under the above permit condition because waste storage areas for undepolluted waste do not have sealed drainage as required by the permit.

**Action** – The compliance of this outstanding action will not be assessed until the issues relating to the collapse of underground mineworkings at the site have been resolved

#### B4 – Containment of Stored Materials – Action Only ; Permit Condition 2.5.1

On the previous Compliance Report (CAR ref: CAR\_NRW0040191), you were given a category 3 breach under the above permit condition because it was identified that waste oils were being stored in an Intermediate Bulk Container (IBC) without secondary containment.

**Action** – The compliance of this outstanding action will not be assessed until the issues relating to the collapse of underground mineworkings at the site have been resolved.

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

On the previous Compliance Report (CAR ref: CAR\_NRW0040191), you were given a category 3 breach under the above permit condition as you do not have a Technically Competent Manager. It is understood that Morgan Skitt is registered with WAMITAB to undertake a suitable course, but that you have had issues with the training provider.

**Action** – Ensure that either yourself or Morgan Skitt are registered to undertake a suitable competency qualification and submit evidence that progress you are progressing with the qualification to NRW. **By 31 March 2022.**

#### C2 – Management System and Operating Procedures – Action Only; Permit Condition 1.1.1

On the previous Compliance Report (CAR ref: CAR\_NRW0040191), you were given a category 3 breach under the above permit condition and you were required to update your EMS to reflect operational changes at the site and submit the EMS to NRW for review. This action has yet to be completed.

**Action** - The compliance of this outstanding action will not be assessed until the issues relating to the collapse of underground mineworkings at the site have been resolved. Once these issues have been resolved you will be required to review and update your EMS to fully reflect all changes at the site

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

On the previous Compliance Report (CAR ref: CAR\_NRW0040191), you were 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 and 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.

**Action** - The compliance of this outstanding action will not be assessed until the issues relating to the collapse of underground mineworkings at the site have been resolved.

#### D1 – Security – Action Only; Permit Condition 1.1.1

On the previous Compliance Report (CAR ref: CAR\_NRW0040191) you were 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.

Our guidance document, "How to comply with your permit" states that you must take a risk-based approach to decide the level of security needed on site to prevent unauthorised access. What is appropriate will depend upon the environmental risks posed by the activity itself and the location. You need to be clear about the level of security needed at your site and make a written assessment of your control measures in your management system. For example, you may need security measures to prevent vandalism that could result in equipment damage or polluting liquids from tanks or drums being released into rivers or onto the ground, or unauthorised deposit of waste at a waste treatment site.

At present there is one Public Right of Way that crosses the site and another that borders the site. Without appropriate security measures to prevent access to the site there is a risk to human health from injury and there is a risk that the site could be targeted by thieves or arsonists. Since the permit was issued, although you have said that members of the public have accessed your site, we are not aware of these incidents resulting in environmental harm.

**Action** - Due to the collapse of the underground mineworkings at Frongoch, Ceredigion County Council have closed all Public Rights of Way at the site. It is considered that the closure of the rights of way, as well as signs warning about the risk of land collapsing is sufficient to deter members of the public from accessing the site in the future and therefore this outstanding action is no longer relevant. Site security will be re-assessed if the Public Rights of Way are re-opened, or in the event of a non-compliance being caused wholly, or in part by a failure of site security.

#### D2 – Accident, Emergency and Incident Planning – Cat 3; 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.

**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. **By 31 March 2023.**

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 31 March 2023.**

**Please Note:**

Where NRW have decided to delay assessment of previous non-compliances until work to resolve the issues created by the collapse of the underground mineworkings, you should aim to continue to work towards compliance with the requirements previously set out. In the event of significant pollution of the environment being identified, or that there is a risk of significant pollution occurring, this will be assessed as a separate non-compliance.

*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.