Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report CAR_NRW0041600

Permit being assessed: JB3036RA.
For: Pen Y Wain Farm, held by A Q A (Cardiff) Ltd
At: A Q A Autoparts, Pen Y Wain Farm, Ty Mawr Lane, Marshfield, Cardiff, Newport, CF3 2YF.

Type of assessment carried out: Site Inspection, Reason: Routine.
On 16/03/2023 between 12:30 and 13:20.
Parts of permit assessed: Various

NRW Lead Officer: Jak Rose, accompanied by Carla Curtis.
Report sent to: Mohammed Ali/Qassir Abbas, Technically Competent Manager/Director on 24/03/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E3 - Emissions - Surface water	C3 Minor	3.1.1
B5 - Infrastructure - Plant and equipment	Action only (X)	
A1 - Specified by permit	Action only (X)	
B1 - Infrastructure - Engineering for prevention and control of emissions	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2
C1 - General Management - Staff competency/training	Assessed (A)	
C2 - General Management - Management system and operating procedures	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
D1 - Incident Management - Site security	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
2	4.1

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
E3	Ensure spill kits are available on site and staff are trained in how to use them. When there is a spillage, you must act immediately to prevent emissions leaving the site. This is referenced within your EMS.	31/03/2023
B5	Due to the diesel spillage please adhere to your working plan that states all the company vehicles, forklift and ramps are serviced weekly. Where necessary a defect record is maintained, and any defect parts are replaced as necessary. Where required, any servicing of the company flatbed vehicle is carried out by a third party.	31/03/2023
A1	Ensure that all waste activities take place within the permit boundary outlined green in Schedule 7 of the permit.	24/03/2023
B1	Consider the effectiveness of the pavement bund on the entrance to the main building and ensure that this does not get damaged during the transporting of vehicles in and out of the main building. A stronger, more durable pavement needs to be constructed to prevent egress of fluids leaving depollution area.	10/05/2023
G4	Submit outstanding waste returns for Q3 and Q4 2022.	30/04/2023

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 compliance report details the site inspection conducted by Natural Resources Wales (NRW) Officers Jak ROSE and Carla CURTIS. Officers attended AQA (Cardiff) Limited Pen-Y-Wain Rd, Ty Mawr Lane, Marshfield, Cardiff CF3 2YF, Permit number **EPR- JB3036RA** on 16 March 2023. Officers arrived at 12:30pm and entered via the front of the Marshfield Motors garage.

The weather conditions consisted of heavy rain which did continue for the duration of the inspection. Mr Mohammed ALI, Technically Competent Manager (TCM) was present during the inspection. Mr Qasir ABBAS (Director) was also present but not throughout the entire inspection. Both were cooperative during the site inspection

To remind the company following each visit Natural Resources Wales will produce a Compliance Assessment Report (CAR) detailing our comments from the inspection. If we substantiate reasonably

foreseeable risks or actual impact to the environment, we can breach the business against your permit conditions which can affect your site banding and annual subsistence fees; this is scored on a Category 1 - 4 basis:

- 1 - Major, serious persistent and/or extensive impact on the environment/people/property
- 2 – Significant impact on effect on the environment/people/property
- 3 – Minor impact or effect on the environment/people/property
- 4 – A non-compliance which has no potential environmental effect

ACTIONS FROM PREVIOUS SITE INSPECTION(S) - CAR_NRW0040896 on 20/12/2022

Action	Completed (Yes/No)	Action Taken
Remove all hazardous wastes stored outside the building. Only depolluted ELVs and waste tyres are permitted to be stored outside of the building on hardstanding. All treatment operations must be carried out inside a building with a sealed, bunded impermeable surface. All hazardous waste must be stored and treated inside a building on an impermeable pavement with sealed drainage.	**Yes**	Mr ALI sent photos of the yard area on 22/02/2023. During the inspection it was observed that only one depolluted ELV was stored outside the main building.
Operator shall not extend activities beyond the site, being the land shown edged in green on the site plan in schedule 7 to the permit.	**Partially completed**	There has been a significant improvement however there remains some concerns as to how this compound at the rear is discrete from the permit activities.
Burning of waste is strictly prohibited.	**Yes**	No evidence of burning found during inspection
Provide a written management system that identifies and minimises risks of pollution, including Provide a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure, and those drawn to the attention of the operator as a result of complaints.	**Yes**	Mr ALI sent through a copy of the EMS on 22/02/2023. This file could not be viewed so a hard copy was provided on site on 16/03/2023.

PERMIT BREACHES

E3 - Surface Water – Conditions 3.1.1 - Category 3 BREACH

Officers observed an area where a chemical spillage had happened. When Officers asked Mr ALI the origin of the spillage, he explained it was likely to be diesel from one of the onsite forklifts. Mr

ALI informed Officers that there are currently no spill kits on site. Due to the weather that day it is foreseeable that this has the potential to pollute the nearby reens surrounding the entire site which are designated as a Site of Special Scientific Interest (SSSI)

Photo 1 – diesel spillage on yard

Within your current Environmental Management System (EMS) section 2.1.1 *A three chamber interceptor is in place in the de-pollution area.* ***Clean water runs to the reen and residues are removed from site.*** Please adhere to these procedures.

ACTION REQUIRED: Ensure spill kits are available on site and staff are trained in how to use them. When there is a spillage, you must act immediately to prevent emissions leaving the site. This is referenced within your EMS.

DUE DATE: 31st March 2023

B5 – Plant and equipment – ACTION ONLY

Due to the diesel spillage highlighted above in the report please see actions below**.**

ACTION REQUIRED: Due to the diesel spillage please adhere to your *working plan* that *states all the company vehicles, forklift and ramps are serviced weekly. Where necessary a defect record is maintained, and any defect parts are replaced as necessary. Where required, any servicing of the company flatbed vehicle is carried out by a third party.*

DUE DATE: 31st March 2023

A1 – Specified by permit – Conditions 2.2.1 – ACTION ONLY

"Condition: 2.2.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 7 to this permit."

The area of land to the rear of AQA contains several vehicles which Mr ALI says belongs to customers of the Marshfield Motors garage. Some of the vehicles appeared to be damaged such as the one in **Photo 3**. Due to the damage sustained on these vehicles there may be leaking hazardous chemicals. Mr ALI assured Officers that this vehicle was not leaking.

Within your EMS *4.1.1* it states that: *Checks to be made on arrival to ensure all fluids remain secure in vehicles. Cars with potential leaks to be moved to impermeable surface for temporary storage with absorbent materials placed to absorb any leakages.* This means any vehicles that have potential leaks.

During the inspection Officers observed Mr ALI's colleague Mr ABBAS move the vehicle to an area within this yard that was enclosed and had a roof.

NRW require that the use of this compound to be discrete from the waste activities undertaken at the permitted site of AQA. This land may only be used to <u>temporarily</u> store vehicles prior to dismantling.

Photo 2 – compound to the rear of AQA

NRW have raised concerns that the waste activities have extended beyond the permitted area, this has been raised on several previous inspections (CAR_NRW0037934 & CAR_NRW0040896). The company was issued a warning letter on 20 January 2023 *reference 12402* due to the Contravention of Regulation 38 (2) of The Environmental Permitting (England and Wales) Regulations 2016, by failing to comply with or to contravene environmental permit conditions 2.2.1.

Continued use of this compound for waste activities associated with AQA will result in an escalated enforcement response from NRW.

Photo 3 – a damaged vehicle stored next to other vehicles within compound

ACTION REQUIRED: Ensure that all waste activities take place within the permit boundary outlined green in *Schedule 7* of the permit.

DUE DATE: IMMEDIATE

B1 - Infrastructure - Engineering for prevention and control of emissions – ACTION ONLY

The integrity of the raised pavement to the workshop appears to be damaged again. This was raised during the inspection by Officer ROSE on 27 July 2022 (CAR Form reference number). Without a suitable raised lip to the workshop, any chemicals within the depollution bays have the potential to migrate outside where it poses the risk of surface run-off. It is apparent that the current method of repairing the pavement on average every six months is not effective. Construction of a stronger concrete based edge may be necessary.

Your EMS states 2.4.2 states: *the de-pollution area will be partially kerbed to ensure no runoff can leave the pavement other than that by the interceptor drainage.*

Photos (see below) The first photo is Mr ALI's work to repair the raised pavement in August 2022. The second photo is Officer ROSE's photo taken during the inspection on 16th March 2023 showing the pavement to have been eroded away.

Table S1.1 in the permit states: *All treatment operations must be carried out inside a building with a sealed, bunded impermeable surface.*

ACTION REQUIRED: Consider the effectiveness integrity of the pavement bund on the entrance to the main building and ensure that this does not get damaged during the transporting of vehicles in and out of the main building. A stronger, more durable pavement needs to be constructed to prevent egress of fluids leaving depollution area.

DUE DATE: 10th May 2023

G4 – Reporting – Conditions 4.2.2 – Category 4 Breach

The company was emailed by a member of NRW staff on 8 November 2022 informing them that the

submission for Q3 2022 was incorrect due to issues, namely EWC codes for the waste and activity code for your permit.

There remain the outstanding returns for Q3 and Q4 2022. To remind the Operator the submission dates for each quarter for the waste returns are below:

Waste Return Submission Deadline

Quarter	Period	Deadline
1	1 January to 31 March	30 April
2	1 April to 30 June	31 July
3	1 July to 30 September	31 October
4	1 October to 31 December	31 January

ACTION REQUIRED: Re-submit outstanding waste returns for Q3 and Q4 2022.

DUE DATE: 30 April 2023

EMS

A hard copy was provided to Officers on site during the inspection. The document is not dated and may require updating to reflect more recent site activities.

GENERAL OBSERVATIONS

There is a considerable improvement to the site compared to the previous site inspection conducted on 20 December 2022 *(Ref: CAR_NRW0040896)* Officers observed only tyres and depolluted vehicles being stored outside the main building.

The permitted area contained two vehicles that appeared to be depolluted. One of the vehicles was propped up on what appeared to be an acetylene gas cylinder. This is a risk to the health and safety of staff and should not be an acceptable way to store the vehicles.

Photo 4 - Depolluted vehicle stored outside resting on held up by gas cylinder.

Please note that after depollution, all gravity-drained holes must be plugged, either with their own drain plug or a suitable plastic bung, to prevent any residual leakage.

Photo 5 – bunded area within main building with chemicals stored

Please continue to ensure the concrete bund is free of cracks and that any leaks are identified and repaired. Consignment notes for hazardous wastes were checked and these appear to be correct. The most recent collection was for waste oils collected by Slicker Recycling in February 2023.

Photo 6 – yard outside of main building

TECHNICALLY COMPETENT MANAGER (TCM)

Mr. Mohammed ALI has been nominated as the TCM for the site and proof of his continued competency have been received.

The expiry of Mr ALI's wamitab certificate is 27 July 2023. Please ensure this is kept up to date.

NRW officers left site at 13:20 the same day.

I look forward to working with the site in future.

If you have any issues with this report please contact Jak Rose on jak.rose@naturalresourceswales.gov.uk

Thank you.

In this document 'Natural Resources Wales' means the Natural Resource 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.