

## Compliance Assessment Report CAR\_NRW0042259

**Permit being assessed:** DP3299FD.

For: Abba Scrap, held by Alan Humphries & Colin David Jenkins

At: Abba Scrap, Pengarnddu Ind Estate, Dowlais, Merthyr Tydfil, Glamorgan, CF48 2TA.

**Type of assessment carried out:** Site Inspection, Reason: Routine.

On 13/03/2023 between 14:40 and 15:15.

Parts of permit assessed: B4, G4, C2, B3

**NRW Lead Officer:** Elysia Lovelock, accompanied by Craig Coleman, Magda Leonowicz.

**Report sent to:** Site Manager , Site Manager on 07/08/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B4 - Infrastructure - Containment of stored materials	C3 Minor	5.6.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	8.1.2
C2 - General Management - Management system and operating procedures	C3 Minor	2.1.1.
B3 - Infrastructure - Site drainage engineering (clean and foul)	Action only (X)	

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

Total number of non-compliances recorded	Total non-compliance score
3	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
B4	Ensure all waste materials that are being stored on site, including the engines, are appropriately contained as per the sites working plan. Please provide a date by which you as the Operator can action this within 28 working days of receipt of this CAR.	13/09/2023
G4	Submit all outstanding annual summary waste return records to Natural Resources Wales (see full list found in the body of this report). Please note, this includes the resubmission of quarter 1 for 2023 with the required amendments, as advised via email on 31st May 2023 to:	13/09/2023

Criteria	Action needed	Complete by
	waste.returns@cyfoethnaturiolcymru.gov.uk Please provide a date by which you as the Operator can action this within 28 working days of receipt of this CAR.	
C2	Ensure waste operations undertaken on site are in line with the sites working plan and meet the requirements of condition 2.1.1. (see body of report for further details). Please provide a date by which you as the Operator can action this within 28 working days of receipt of this CAR.	13/09/2023
B3	Provide evidence that the site containment and drainage systems are inspected, validated and maintained, as this should be fully documented and recorded. Please provide a date by which you as the Operator can action this within 28 working days of receipt of this CAR.	13/09/2023

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.**

**We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.**

### 4. Details of our assessment

I, Senior Industry and Waste Regulation Officer Elysia Lovelock, Hazardous Waste Officer Craig Coleman and Industry and Waste Regulation Officer Magda Leonowicz attended the permitted facility of Abba Scrap Metals Ltd, Unit 4, Pengarnddu Industrial Estate, Dowlais, CF48 2TA to undertake an unannounced site inspection on Monday 13<sup>th</sup> March 2023. During the visit, the weather remained overcast with intermittent showers.

The purpose of the visit by Natural Resources Wales officers was to assess the sites compliance with the conditions of the environmental permit held by Abba Scrap Metals Ltd, reference EPR-DP3299FD. The environmental permit allows the holder to operate a scrap metal processing yard and is an authorised treatment facility for depolluting end-of-life vehicles, with a permitted annual tonnage of 24,999 tonnes.

On arrival at approximately 1440 hours, we were met by Site Manager and Director Mr David Jenkins. We discussed the actions specified in Compliance Assessment Report reference CAR\_NRW0039212 issued following our previous visit on 17<sup>th</sup> January 2022 and provided Mr Jenkins with a hardcopy of the actions specified and explained that some actions remained outstanding, as follows, and would therefore be recorded as non-compliances:

- 1. (B4) Containment of stored materials, (C3) non-compliance which could have a minor environmental effect as a breach of permit condition 5.6.1.**

**Action required:** Ensure all waste materials that are being stored on site, including the engines are appropriately contained.

The below were images taken during the visit, demonstrating that the Operator is continuing to store



materials in a manner non-compliant with the sites permit which specifies - 'oil contaminated parts' 'be segregated by type and stored within dedicated appropriate containers, which are fit for purpose.' 'The containers should be clearly and unambiguously labelled regarding their contents'.



**2. (G4) Reporting and notification to Natural Resources Wales, (C4) non-compliance which has no potential environmental effect as a breach of permit condition 8.1.2.**

**Action required:** Submit all outstanding annual summary waste return records to Natural Resources Wales as follows, please note, this includes the resubmission of quarter 1 for 2023 with the required

amendments, as advised via email on 31<sup>st</sup> May 2023 to: [waste.returns@cyfoethnaturiolcymru.gov.uk](mailto:waste.returns@cyfoethnaturiolcymru.gov.uk)

Year	Return Period
2015	Qtr Oct-Dec
2018	Qtr Jan-Mar
2018	Qtr Jul-Sep
2019	Qtr Jan-Dec
2020	Qtr Jan-Dec
2020	Qtr Apr-Jun
2021	Qtr Apr-Jun
2022	Qtr Apr-Jun
2022	Qtr Jul-Sep
2023	Qtr Jan-Mar (resubmission required)

As agreed with the Operator, following the visit, I checked Natural Resources Wales records with Once in Ops Waste Regulation Returns and I can confirm we do not hold records of the above annual waste return summaries.

**3. (C2) Management system and operating procedures, (C3) non-compliance which could have a minor environmental effect as a breach of permit condition 2.1.1. (Identified as the root cause breach of the above)**

**Action required:** Ensure waste operations undertaken on site are in line with the sites working plan and meet the requirements of condition 2.1.1, as below.

**2.1.1** No waste management operations shall be authorised by this licence unless:

- a specified in and undertaken in accordance with the limitations specified in Table 2.1; or
- b otherwise required by the conditions of this licence as being an integral part of those operations;

AND

Table 2.1 'Specified waste management operations' specifies limits, of note, under 'Discharge to surface water, the limit states **'As far as it is reasonably practicable the works shall be operated so as to prevent the discharge from containing any significant trace of visible oil or grease.'**

During the inspection, the Site Manager advised that the site follows the sites working procedures. Please note the engines contain oil which is a hazardous waste, and the above permit condition requires **'as it is reasonably practicable the works shall be operated so as to prevent the discharge from containing any significant trace of visible oil or grease'**. Having since reviewed the sites working procedures, this does not appear to be the case. Therefore, please ensure the sites working procedures 'Working Plan & Management System v1.4, as specified by the Operator, are followed to ensure compliance with permit condition 5.6.1 and 2.1.1. I draw your attention to the following exert:



2.9.4 Hazardous fluids, and parts containing hazardous fluids, will be stored within the depollution building shown on Drawing ABBA/03.

**4. (B3) Site drainage engineering (clean and foul), (X) Action only to ensure compliance with permit condition 3.1.2.**

*3.1.2 The engineered site containment and drainage systems shall be designed, constructed, inspected, validated and maintained, and shall be fully documented and recorded, to be fit for purpose and to meet the standards specified in Table 3.1 below and in sections 2.9, 2.10, 2.11, 2.12 and 2.13 of the working plan.*

*'Table 3.1 Site containment & drainage standards' specifies under 'b) Impermeable pavement, bunding and sills', the minimum specified standard as follows –*

*'Areas of impermeable pavement, bunding and sills shall be constructed and maintained so as to prevent fluids running off the pavement and the transmission of fluids through the pavement or joints.'*

*Where there is a risk of chemical corrosion, areas of impermeable pavement, kerbs, bunds and sills shall be provided with suitable resistance to minimise such corrosion.'*

**(X) Action only:** Provide evidence that the site containment and drainage systems are inspected, validated, and maintained, as this should be fully documented and recorded.

**ACTION:** Please provide a date by which the Operator can action the four outstanding actions above, **within 28 working days of receipt of this CAR**. Please note, Natural Resources Wales may consider formalising this in a Notice.

## ADDITIONAL COMMENTS

### **(C1) Staff Competency and Training:**

Following the visit, a copy of the CIWM Continuing Competence Certificate was requested from Mr Brannan and was provided on 27<sup>th</sup> April 2023. Certificate No. 5201099, issued 24/06/2022, expiry date: 24/06/2024.

Please ensure Technically Competent Manager attendance records are kept up to date on site. Proof of site attendance by the sites Technically Competent Manager will be requested and reviewed at the next site visit.

### **(G4) Reporting and Notifications:**

Please be aware the waste returns must list details of a competency scheme certification on the

summary page and waste return submissions must be completed in full, including waste descriptions and Disposal or Recovery Codes.

I note there were issues regarding a recent waste return submitted to Natural Resources Wales for quarter 1 of 2023 that were raised by email to you on 31<sup>st</sup> May 2023. This return does not appear to have been resubmitted, therefore if you require assistance or guidance regarding waste returns to ensure waste returns are fully completed, please get in touch.

### **(B3) Site Drainage Engineering (Clean and Foul)**

As the Operator does not appear to be storing waste as per the sites working procedures and there is no evidence to date that the sites drainage is inspected, validated and maintained, the next site inspection by Natural Resources Wales will include dye tracing to ensure that the sites drainage engineering remains fit for purpose.

### **SUMMARY**

The site visit concluded at approximately 1515 hours. We wish to thank Mr Jenkins for his time during the visit. **Please refer to Section 2. What action is required? Please respond within 28 days of receipt of this Compliance Assessment Report.**

Please note, when a breach of a permit condition is recorded, this affects the Operators annual subsistence fees each year. Therefore, action is required by the Operator to rectify the breaches outlined in this report. The actions which are required may be formalised in a notice on this occasion. If you wish to discuss, please contact me directly at your earliest opportunity to agree a date by which the actions can be completed.

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.