Compliance Assessment Report CAR_NRW0042411

Permit being assessed: WP3395FT.
For: Twyn Dismantlers Ltd, held by Caleb Griffiths
At: Fleur-de-leys, Blackwood, Caerphilly, NP12 3UL.

Type of assessment carried out: Site Inspection, Reason: Routine.
On 30/08/2023 between 13:10 and 14:50.
Parts of permit assessed: All

NRW Lead Officer: Jak Rose, accompanied by Jodie Baskerville.
Report sent to: Ashley Griffiths/Caleb Griffiths, TCM/Operator on 20/09/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C4 - General Management - Storage, handling labelling and Segregation	C2 Significant	2.1
E2 - Emissions - Land and groundwater	C2 Significant	5.1.4
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor	3.1.2
C2 - General Management - Management system and operating procedures	C3 Minor	1.2.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	6.1.2
B4 - Infrastructure - Containment of stored materials	C3 Minor	5.4.1

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

Total number of non-compliances recorded	Total non-compliance score
6	78

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
C4	Ensure only End of life vehicles (containing neither liquids nor other hazardous components) are stored on areas of hard standing. Remove current ELVs that have not been fully depolluted from the area of hardstanding and to an area which benefits from a sealed drainage system.	29/11/2023
E2	Operator must adhere to measures outlined in Table 5.1 Standards for prevention and control of leaks and spillages.	20/09/2023

Criteria	Action needed	Complete by
	The operator must follow pollution prevention measures and ensure no emissions to land and groundwater.	
B1	Ensure that the impermeable surface is sealed such that no liquids can bypass the raised pavement and run onto the hardstanding. Appropriate drainage channels must be installed to direct run off into the interceptor. Act to ensure full compliance with permit condition 3.1.2.	29/11/2023
C2	Further detail must be provided within the EMS which must include how the operator will manage site activities and infrastructure in accordance with Schedule 5 of the ELV regulations. Continue with removal of hazardous soils and provide transfer notes.	29/11/2023
G4	Submit waste returns for the last two years. Full guidance on waste returns can be found on our website.	29/12/2023
B4	Reduce the stockpile volume of tyres to comply with the conditions 5.4.1 of the permit.	29/11/2023

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

This compliance report details the site inspection conducted by Natural Resources Wales (NRW) Officers on 30/08/2023 at: Twyn Dismantlers Limited Fleur-de-leys, Blackwood, Caerphilly, NP12 3UL. Permit EPR- WP3395FT.

Waste Regulation Officers Jak ROSE and Senior Waste Regulation Officer Jodie BASKERVILLE arrived at 13:10 and met with Mr. Ashley GRIFFITHS, Technically Competent Manager (TCM) and Mr. Caleb GRIFFITHS, Operator. The previous site inspection was completed on 01/06/2023. The weather conditions were fine and dry during the time of inspection. The site is currently subject to a Regulation 36 Enforcement Notice.

ACTIONS FROM PREVIOUS SITE INSPECTION – (CAR_NRW0041915) on 01/06/2023

Action(s)	Completed (Yes/No/Ongoing)	Action Taken by Operator
Consider the effectiveness of the site current layout in conjunction with a documented	**No** **(Due 24/08/2023)**	Environmental Management System titled: 'Twyn CAR Dismantlers Ltd management plan' was submitted on

environmental management system that identifies and minimises the risk of damage to areas of engineered containment.		08/08/2023. The observations at the time of inspection along with the root cause of these operational/infrastructure issues means this action has not been complied with.
Continue to remove tyres to ensure they comply with the permit conditions within Table 5.4 - standards for handling and/or storage of residual wastes.	**Ongoing** **(Due 24/08/2023)**	Quantities of tyres remain on site which do not comply with the permit conditions outlined further in the report.
Ensure effective management of site activities and infrastructure in line with a suitable management system. This system must incorporate the activities of a vehicle depollution facility.	**No** **(Due 24/08/2023)**	Like the first action, this has not been completed as observed during the site inspection.
Continue with removal of hazardous soils and obtain hazardous waste consignment notes.	**No** **(Due 24/08/2023)**	Hazardous soils remain on site. Some have been removed but no consignment notes have been provided for the removal at the time of the inspection.
Ensure only End of life vehicles (containing neither liquids nor other hazardous components) are stored on areas of hard standing.	**No** **(Due 24/08/2023)**	Further End of life vehicles (ELVs) that are partially depolluted and leaking hazardous liquids within the area of hard standing.

Regulation 36 Enforcement Notice (Served 09/03/2023)

The visit was made to assess compliance with a Regulation 36 Enforcement Notice served on the above date, and to assess compliance with other conditions of the permit for the site.

Schedule 1 of the notice is shown below: -

Environmental Permitting (England and Wales) Regulations 2016
Regulation 36

SCHEDULE 1 STEPS TO BE TAKEN		
Condition number	**Steps to be taken**	**By date**
3.1.2	Ensure that the impermeable surface is sealed so that no liquids can bypass the raised pavement and run onto the hardstanding. Appropriate drainage channels must be installed to directly run off into the interceptor to ensure full compliance with permit condition 3.1.2.	31st May 2023
1.2.2	Ensure effective management of site activities and infrastructure in line with a suitable management system. This system must incorporate the activities of a vehicle depollution facility. Remove hazardous waste soils from site.	24th August 2023
2.3.1	Submit evidence of technical competence, confirming the name of the relevant person and evidence that such a person has the required technical competence to NRW.	31st May 2023

Two of the three steps had been completed as outlined in the previous inspection **(CAR_NRW0041915)** on 01/06/2023.

It was noted during the inspection that the operator has failed to meet the remaining step in the Notice. The management system submitted on 08/08/2023 is inadequate and was not being followed at the time with breaches outlined below. Failure to comply with this notice is an offence under Regulation 38(3) of the Environmental Permitting (England and Wales) Regulations 2016 and may result in legal action being taken against you.

Permit Breaches

C4 - Storage, handling labelling and Segregation - Cat 2 Breach – Permit condition 2.1

A category 2 breach has been scored under the above permit condition because of the incorrect storage of ELVs on the hardstanding area. ELVs are typically in a state of disrepair and therefore classified as hazardous waste, managing ELVs is an important environmental and regulatory concern due to the potential hazards they pose. This has escalated since the previous inspection.

- Permit condition **2.1** *Specified waste motor vehicle storage and treatment operations* outlines that (16 01 04*) End of life vehicles must be *stored on an impermeable pavement with a sealed drainage system.* The operator was previously scored a category 3 breach on 01/06/2023 (**CAR_NRW0041915)** the number of incorrectly depolluted vehicles had increased since the last visit.
- It has been noted that despite the previous Category 3 breach and associated compliance issues, the operator continues to incorrectly depollute ELVs, and storing them within in an area of the site that does not benefit from a sealed drainage system. Therefore, this does not meet the permit's requirements for fully depolluted vehicles (16 01 06) to be stored on hard standing.
- From the photos that were taken (shown below) some of them still contained hazardous liquids such as oils and coolants. Some of them were shown to have leaked oil, however this appeared to be historic and happened before the inspection as shown by the photos.
- The boundary of the site is next to the river Rhymney. With the site being in such proximity to a sensitive receptor the lack of controls in place is of utmost concern.





Photos 1 and 2 – visible signs of oil residue underneath partially depolluted ELV.





Photos 3 and 4 (above) – engines still containing oil and coolant

When Officers were speaking to Mr. Caleb GRIFFITHS he informed Officers that he was unaware of the requirement within the permit to fully depollute the vehicle.

The risk to the environment due to the proximity of the sensitive receptors activities is of high concern and therefore enforcement action will be considered.

Action required: Ensure only End of life vehicles (containing neither liquids nor other hazardous components) are stored on areas of hard standing. Remove current ELVs that have not been fully depolluted from the area of hardstanding to an area which benefits from a sealed drainage system.

Due date: 29th November 2023

E2 - Land and groundwater – Cat 2 Breach – Permit condition 5.1.4

A category 2 breach has been scored under the above permit condition because of the overspill underneath the crusher and a large uncontained fuel spill.

During the inspection Officers experienced a strong petrochemical smell in the affected

area. Wood shavings had been placed on some of the spillage, the amount of wood shavings used appeared to be ineffective to prevent the fuel migrating downhill towards the bunded pavement which is has deteriorated again. (See photos below)





Photos 5 & 6 - showing fuel spillage pooling (above vehicle) which due to the steep gradient flows down towards the newly installed kerb which has failed to prevent fuel from passing through.

Mr. Caleb GRIFFITHS explained that the spillage was due to a vehicle that had been accepted to site with the understanding it had been depolluted prior to being received at site.

The newly installed pavement (Photo 7 below) appeared to have signs of deterioration and cracking. Officers pointed out the egress of fuel through the kerb pavement which is constructed using standard concrete mix. Mr. Caleb GRIFFITHS disputed whether it was fuel and explained he had to repair the kerb over the weekend due to it cracking again. Officers experienced a strong petrochemical smell when in proximity to the spillage.



Photo 7 – damage to the kerb and egress of fluid as shown in bottom of photo.

The fuel runoff had penetrated the concrete of the kerb pavement and travelled onto the area of hard standing at the bottom of the yard. During the previous inspection **(CAR_NRW0041915)** The operator was asked to consider the effectiveness of the sites current layout in conjunction with a documented environmental management system that identifies and minimises the risk of damage to areas of engineered containment.

The deterioration and cracking of the newly installed pavement, coupled with the runoff that has penetrated and reached the hard standing area, represent significant concerns for land and groundwater contamination.

Furthermore, with the overspill on the drip tray underneath the crusher (**Photo 8 and 9 below)** this could lead to further significant soil and groundwater emissions. The river Rhymney is approximately 13 metres away from this particular area of the site.

Permit condition **5.1.4** states that: *In the event of any potentially polluting leak or spillage occurring on sit, documented control and remediation procedures shall be implemented immediately and recorded and shall meet the standards specified in Table 5.1.*



Photo 8 – drip tray underneath the crusher which has overspilled onto area with no sealed drainage.



Photo 9 – wider view of crusher with River Rhymney behind trees in background.

Action required: **Operator must adhere to measures outlined in Table 5.1 Standards for prevention and control of leaks and spillages. The operator must follow pollution prevention measures and ensure no emissions to land and groundwater.**

Due date: **Immediately**

B1 - Engineering for prevention and control of emissions - Permit Condition 3.1.2 – Cat 3 Breach

You have been scored a category 3 breach because NRW had previously required an action to consider the effectiveness of the sites current layout in conjunction with a documented environmental management system that identifies and minimises the risk of damage to areas of engineered containment. The following observations were made:

- Pavement deterioration and cracking: The newly installed pavement at the site has already shown signs of deterioration and cracking since the previous inspection.
- Runoff through concrete kerb pavement: Officers pointed out at the time of the inspection the apparent fuel runoff through the concrete kerb pavement at the site.
- Penetration of concrete: The fuel runoff has penetrated the concrete of the kerb pavement.
- Spread to hard standing: The runoff has travelled onto the hard standing area located at the bottom of the yard which does not benefit from a sealed drainage system.

Permit condition **3.1.2** states that *'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 meet the standards specified in Table 3.1'*. **Table 3.1**. stipulates prescriptive requirements for site drainage and the engineered surfaces of the site.

The nature of this engineering breach has been ongoing for several years as highlighted in previous CARs. During an inspection on 28/07/2020 **(CAR_NRW0036855)** the operator was given an action to monitor the condition of the sealed drainage system and maintain as necessary. The management of the site activities and maintenance of site drainage infrastructure is critical to reduce the risk of pollution of the nearby river Rhymney from site activities. This was previously breached as a category 2 in February 2023 **(CAR_NRW0041338)**

Action required: **Ensure that the impermeable surface is sealed such that no liquids can bypass the raised pavement and run onto the hardstanding. Appropriate drainage channels must be installed to direct run off into the interceptor. Act to ensure full compliance with permit condition 3.1.2.**

Due date: **29th November 2023**

C2 - Management system and operating procedures – Cat 3 Breach –

Permit condition 1.2.2

A category 3 breach has been scored under the above permit condition as a root cause of the inadequate management of the site. Whilst it is evident that your permit is very outdated, the absence of a fully functional EMS is contributing to many of the failures on site.

You have breached permit condition **1.2.2** for failure to manage site activities and infrastructure in accordance with Schedule 5 of the ELV Regulations 2003.

The operator has failed to adhere to their own procedures outlined in *Twyn Car Dismantlers Ltd management plan,* which was submitted to Officer ROSE on 08/08/203 as required by the Regulation 36 Notice.

NRW will require the operator to improve the current EMS with a plan outlining how they intend to address such spillages, prevent future occurrences, and ensure compliance with Schedule 5 of the ELV Regulations 2003.

- Officers were concerned that spill kits on site were not being used as it was covered in cobwebs and dust. The spill kits themselves were fully stocked.
- Large amounts of sawdust were remaining in piles on site with no apparent clean up at the time of inspection. These must be cleaned up as soon as they have absorbed all the fluid and not left there for long periods.



Photo 10 - contaminated sawdust in garage bay

Hazardous Soils

There appears to be several ton bags of contaminated soil remaining on site **(see Photo 12 below)**. This was first highlighted in March 2019 in **(CAR_NRW0034965)** Mr. Ashley GRIFFITHS explained that the soils have been sent to Shillibiers Aggregate Recycling Facility. Many bags remain on site. Mr. Ashley GRIFFITHS said that 10 or so had been removed but was waiting the transfer notes to be sent through.

Action required: Further detail must be provided within the EMS which must include how the operator will manage site activities and infrastructure in accordance with Schedule 5 of the ELV regulations. Continue with removal of hazardous soils and provide transfer notes.

Due date: 29th November 2023

G4 – Reporting and notification to Natural Resources Wales – Cat 3 breach - Permit condition 6.1.2

A Category 3 breach of permit condition **6.1.2** has been scored for failure to submit annual waste returns. This has been escalated from a previous cat 4 breach.

Permit condition **6.1.2** requires the operator to submit an annual summary record of the waste types and quantities accepted and removed from the site within one month of the end of each financial year.

This information should be submitted to NRW by means of an annual waste return. We do not have any records of waste returns submitted since 2013.

Action required: Submit waste returns for the last two years. Full guidance on waste returns can be found on our website.

Due date: 29th December 2023

B4 – Containment of stored materials – Cat 3 Breach – Permit condition 5.4.1

During the inspection it was noted that significant quantities of tyres were being stored directly adjacent to a building on site **(see photo 11).** Mr Ashley GRIFFITHS stated that large quantities of tyres had been removed from the site recently, however, the storage of tyres was not compliant with the permit condition. See below extract from *condition 5.4.1* of the permit:

c) Tyres, air bags and liquefied gas tanks.	i) Once removed from vehicles, these waste types shall be stored in separately designated areas provided with an impermeable pavement and sealed drainage in accordance with condition 3.1 ii) Tyres shall be stored in stable stacks with individual capacities of no greater than 50 cubic metres and to a height of no greater than 3 metres iii) Individual tyre stacks shall not be stored within 6 metres of each other iv) Individual tyre stacks shall not be stored within 15 metres of the site boundary or building v) Tyre stacks shall not be located within 10 metres of any area used for flame cutting operations.

The operator must continue to keep the stockpiles in areas as required by the Table **5.4** *Standards for handling and/or storage of residual wastes.*



Photo 11 – tyre stacking adjacent to a building less than 15 metres away.

Action required: Reduce the stockpile volume of tyres to comply with the conditions of 5.4.1 of the permit.

Due date: 29th November 2023

Site Observations

The site remains extremely cluttered and the areas that benefit from a sealed drainage system are stockpiled with a mixture of residual wastes (photo 12 below). If the operator were to clear this area and make use for the storage of the ELVs it would be utilised to full effect.



Photo 12 – area of sealed drainage with vast amounts of residual wastes and tonne bags containing hazardous soils

Summary

- Managing ELVs in an environmentally responsible and compliant manner is essential to protect the environment, human health, and to conserve valuable resources. The operator has failed to consider the impacts on the river Rhymney in which these pollutants have the potential to negatively impact aquatic life and disrupt ecosystems, leading to issues like fish kills and reduced water quality.
- Previous enforcement history relates primarily to non-complaint areas of site

drainage infrastructure. Site management has also been previously considered as a root cause of non-compliance.
- NRW will consider a review of the operator's competency, namely whether the operator is able and willing to comply with the permit due to the significant breaches on site and the non-compliance of the Regulation 36 Notice.
- Major improvements to site infrastructure and management are still required to ensure full compliance with the environmental permit, and ultimately to protect the environment. These improvements are required to be made **urgently** given the proximity to the nearby sensitive receptor, the river Rhymney.

Officers left site at 14:50.

If you have any issues with this report, please contact Waste Regulation Officer Jak Rose at jak.rose@cyfoethnaturiolcymru.gov.uk.

Thank you

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.