

Compliance Assessment Report CAR_NRW0042782

Permit being assessed: ZP3094FM.

For: Alwyn Davies & Colin Davies, held by Alwyn Davies & Colin Davies

At: Gaerwen, Ynys Mon, Gwynedd, LL60 6HR.

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

On 26/10/2023 between 11:00 and 12:00.

Parts of permit assessed: see below

NRW Lead Officer: Daniel Grant, accompanied by Sarah Walton.

Report sent to: Stephanie Critchley, TCM on 20/11/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
B4 - Infrastructure - Containment of stored materials	Action only (X)	
C3 - General Management - Materials acceptance	C3 Minor	2.3.2
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)	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	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	8

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
C2	Review your EMS and make changes so that it enables you to manage compliance with your permit.	31/01/2024
B4	Rectify the issue surrounding pooling of water on site. In particular, the area in front of the ELV storage area requires	15/12/2023

Criteria	Action needed	Complete by
	priority (Figure 2). Please provide an update on the next steps you will take to remediate this by the specified deadline date.	
C3	Remove the washing machines/ tumble dryers from site and provide the following as evidence that this has been completed: <ul style="list-style-type: none">• photos of where they are currently stored• paperwork for the movement to an authorised facility	15/12/2023

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 an unannounced visit carried out on Thursday the 26th of October 2023 by Natural Resources Wales officers Daniel Grant (Hazardous Waste Regulation Officer) and Sarah Walton (Waste Regulation Officer).

The purpose of the visit was to undertake a general site inspection.

Officers met with TCM Stephanie Critchley in the site office and were accompanied around the site by previous site TCM Jackie Critchley. Officers signed into the site diary.

Weather conditions were sunny and clear with some light rain towards the end of the site inspection.

The hazardous waste premises registration was checked prior to the visit. Phoenix Metals & Demolition Ltd are currently registered as a hazardous waste producer (CAF798) until the 8th of December 2023, this is compliant with Section 21 of the Hazardous Waste Regulations 2005.

Site inspection

Officers proceeded with Jackie Critchley on to site to carry out the inspection.

During the visit several loads of mixed metal was brought on to site. All loads of mixed metal are collected and stored temporarily in front of the pile shown in Figure 1 below.



Figure 1. Mixed metal waste stored pending collection and separation

The majority of the site is concreted which largely provides an impermeable surface. Certain sections surrounding the metal pile have been recently concreted. This has clearly helped with ensuring that an even surface is secured on site, keeping these concreted parts of the site clean and avoiding any pooling of water.

Other sections of the site that have not been concreted for some time are being impacted by rutting. This was most evident with the pool of water that had an oily sheen on top in the ELV storage section of the site as can be seen below in Figure 2. This same issue was highlighted in an earlier Compliance Assessment Report (CAR) form (CAR_NRW0041140) following officer Donna Muirhead's visit on the 11th of January 2023. In this previous report it was explained that work was being undertaken to resolve this issue by Phoenix Metals & Demolition Ltd, however the issue remained unchanged during this inspection. This pool of water was located less than 5 meters away to the site interceptor drain.

Standing water was also observed across other sections of the site. In particular, the area in front of the site baler also contained standing water, which can be seen in Figure 3 below.

The finding is listed as a non-compliance with condition 1.1.1 in this instance. Further details on this non-compliance along with the required actions can be found at the end of this report.



Figure 2. Pooling of contaminated oily-water in the ELV storage area.**Figure 3.** Standing water in front of the site baler

The site's grab machine had encountered a failure which resulted in the loss of some oil on the ground. It was reassuring to see that the site's operatives efficiently dealt with this issue by placing absorbents down on the lost oil.

End of Life Vehicle (ELV) depollution activities on site were not being carried out on the day the officers visited. The depollution bay where all ELV depollution activities are usually carried out at was kept clean (Figure 4). There were nine ELVs waiting to be depolluted outside. The rest of the vehicles stored were depolluted ELVs waiting to be crushed and baled. All depolluted and un-depolluted ELVs were stored on an impermeable surface, however, the pooling of oily water that has already been described above indicates there is a failure with the integrity of this impermeable surface here. As a result, this is non-compliant with condition 2.1.1 of your permit. All details are summarised lower down the report.

**Figure 4.** Site's depollution bay

Depolluted ELVs were not thoroughly inspected, however, there was some indication that an ELV had not been fully depolluted. As can be seen in Figure 5 below, oil had been left to leak from an ELV (number plate GV55 FPY) on to the ELV stored beneath it (number plate NJ57 XYX). Condition 2.4.1 of your permit requires that all treated ELVs meet the requirements of article 6(1) of the End-of-Life Vehicles Directive. Article 6 (1) of this Directive, which makes it a requirement to properly remove all waste motor oil in order to satisfy the minimum requirements of depollution. This discharged oil indicates that improvements are required. Please ensure, that your depollution activities are reviewed and improved and that all operatives have been properly trained moving forward.



Figure 5. Ford focus (NJ57 XYX) stored with visible oil contamination indicating a leak from the vehicle stored above

In the same area of the site where ELVs are stored there was a pile of Waste Electrical and Electronic Equipment (WEEE), specifically waste washing machines/ tumble dryers as shown in Figure 6. It was later explained by the site TCM that this waste is generally accepted on site as a mixed load under EWC 17 04 05 (Iron and steel). Washing machines and/ or tumble dryers are discrete pieces of waste that can be distinguished within a mixed load of metal waste. Your permit currently does not allow you to accept this waste. As a result, this is non-compliant with condition 2.3.2. The full detail of this non-compliance is summarised towards the end of this report.



Figure 6. Waste washing machines and tumble dryers stored on site

Jackie Critchley explained that there are two interceptors on site. The first and main interceptor on site is highlighted as a blue circle in Figure 7 below. It was explained that the site run-off drains into here which is then connected via a drain (blue line) to the next interceptor (red circle) which has a greater capacity. Both locations of these site interceptors were visually inspected. It was noted that the area where the back-up interceptor (red circle in Figure 7) is located was very overgrown as can be seen in Figure 8. This indicates that these interceptors aren't inspected or emptied very often. It was explained they are typically emptied every three to five years.

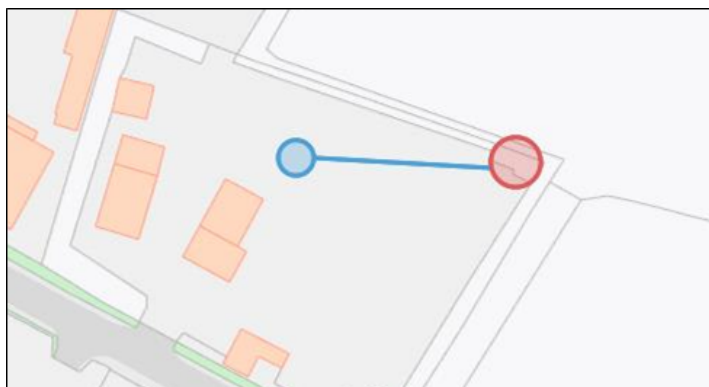


Figure 7. Approximate location of interceptors within the site. Blue circle marks the main site interceptor, and the red circle marks the second backup interceptor. The main interceptor is connected via a drain shown by a blue line.



Figure 8. Backup site interceptor location

Officers returned to the site office to discuss the findings with Stephanie Critchley. Site interceptor maintenance was discussed in length. It was identified that the interceptors haven't been inspected by a competent person/ business and that there is no plan in place for this. However, it was agreed that a maintenance/ inspection plan for the site interceptors would be arranged.

Could you please ensure that you provide us with any updates to this matter.

Following the site visits officers also reviewed your latest EMS to inspect what the written plan on interceptors is. Officers were unable to locate any information on your interceptor on your EMS. These findings are non-compliant with condition 1.1.1 of your permit.

Although the site EMS was not reviewed in length it is apparent that the fundamentals are missing. We may want to inspect this EMS in detail during our next inspection. Further information about this issue is summarised towards the end of this report.

Officers also inspected some site maintenance checklists. These are carried out on a weekly basis by Jackie Critchley and records were up to date and stored in a convenient location.

Officers also requested copies of consignment notes for waste accepted and removed from site. Specifically, the following paperwork was requested:

- The most recent three consignment notes for waste oils leaving the site (including emptying of the interceptor)
- All consignment notes for the removal of waste batteries in quarter 3 and quarter 4 in 2022 (01 July- 31 December)
- All consignment notes for incoming hazardous waste into site over the past year (26/10/2022- 26/10/2023)

The paperwork was requested on the 27/10/23 and all details were received on the 01/11/23.

Some issues were noted with these consignment notes. The full details of our findings will be recorded in a separate letter. This is because consignment notes are assessed for compliance under the Hazardous Waste Regulations 2005 and are therefore separate to your permit requirements.

Non-compliances**Condition 1.1.1**

"The operator shall manage and operate the activities:

- a. in accordance with 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; and"*

As referred to at the beginning of this report, specific issues were noted whilst on site that included:

- Pooling of water
- Rutting of site impermeable surface
- No interceptor maintenance or inspection plan

These were the issues identified during the visit, when officers then proceeded to read your EMS to inspect what the procedure for these are on site to reduce risk, officers were unable to identify any related procedure. Therefore, the root cause for these above issues are likely caused by the inadequacy of your site EMS.

As a result, this is non-compliant with Condition 1.1.1 and a Compliance Classification Score (CCS) 3 breach has been assigned.

Condition 1.1.1 requires you to have a written management system, run your activities according to it, and improve it if you are not compliant. The content of your management system depends on the risk and complexity of your activities. It must identify the risks to the environment from your activities and explain in detail the measures you will take to prevent or minimise those risks. An effective management system will enable you to manage compliance with your permit and any other legal requirements to protect the environment with all your permit conditions.

Although we have not specifically inspected your EMS in length as part of this inspection it is clear that your ISO14001 (ISO is the International Organisation for Standardisation) accreditation has been used to cover this EMS. The use of an external certified EMS does not mean that you will automatically comply. As it stands your EMS does not refer to any conditions set out in your permit. You should re-visit your EMS carefully to ensure that all conditions are covered by your system and that it is implemented.

We would advise you to make use of the following guidance which explains how a site EMS should be written in line with your permit conditions:

<https://naturalresources.wales/media/2110/how-to-comply-with-your-environmental-permit.pdf>

Action- Review your EMS and make changes so that it enables you to manage compliance with your permit.

Deadline- 31/01/24

Condition 2.1.1

"The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities")."

Where table S1.1 states *"All hazardous and non-hazardous waste must be stored and treated on an*

impermeable surface"

The impermeable surface where the ELVs are stored is failing. The pooling of water indicates there is an issue with the integrity of the concrete surface. The maintenance of this surface is essential in order to ensure the surface is kept impermeable to a standard that prevents a pollution risk.

During the last inspection this pooling of water was highlighted, however, no work has been carried out to rectify this since.

As a result, this is non-compliant with Condition 2.1.1 and a CCS 3 breach has been assigned. However, we have identified that the root cause of this non-compliance is related to the inadequacy of your EMS. As a result, we have decided to consolidate both these scores which means that you will only receive the single CCS 3 score for this non-compliance and the above one for condition 1.1.1.

Action- Rectify the issue surrounding pooling of water on site. In particular, the area in front of the ELV storage area requires priority (Figure 2). Please provide an update on the next steps you will take to remediate this by the specified deadline date.

Deadline- 15/12/23

Condition 2.3.2

"2.3.2 Waste shall only be accepted if:

- (a) it is of a type and quantity listed in schedule 2 table(s) S2.1 and
- (b) it conforms to the description in the documentation supplied by the producer and holder."

Waste washing machines/ tumble dryers were stored on site in the ELV storage area. Such waste must be classified as the following:

- 16 02 13* or 16 02 14 if they are accepted as commercial waste
- 20 01 35* or 20 01 36 if they are accepted as household waste

These waste types must be classified as the above regardless of the fact if they are accepted on site as a mixed metal waste load. Washing machines and tumble dryers are completely discrete pieces of waste that can be identified and separated from a mixed metal waste pile.

Your permit does not currently allow you to accept any of the above waste types. As a result, this is a non-compliance with condition 2.3.2 and a CCS breach 3 has been assigned.

Should you wish to continue accepting such waste you must vary your bespoke permit here:

<https://naturalresources.wales/permits-and-permissions/waste-permitting/apply-to-change-to-or-vary-a-bespoke-waste-permit/?lang=en>

Your permit also requires you to store any waste WEEE in accordance with the technical requirements of Annex VIII of the WEEE Directive. Annex VIII of the WEEE Directive specifies that any WEEE must, at a minimum, be stored:

- on an impermeable surface
- under waterproof covering
- with the provision of spillage collection facilities

As can be seen in Figure 6 there was no form of waterproof covering on top of the WEEE.

Action- Remove all washing machines/ tumble dryers from site and provide the following as evidence that this has been completed:

- photos of where they are currently stored
- paperwork for the movement to an authorised facility

Deadline- 15/12/23

Summary

Non-compliances with three separate conditions were identified:

- condition 1.1.1
- condition 2.1.1
- condition 2.3.2

Only two CCS 3 scores have been assigned in this case. This is because the root cause of the non-compliance with condition 2.1.1 is due to the non-compliance with condition 1.1.1, therefore, these scores can be consolidated.

Therefore, your overall CCS score for this inspection is 8.

Actions and deadlines in order to bring you back into compliance have been outlined for each of these non-compliances. Please ensure that these actions are completed by the specified date. If you have any issues with these dates, please let us know as soon as possible.

If you have any further questions about the contents of this inspection report, please do not hesitate to contact us.

Yours sincerely

Daniel Grant

Hazardous Waste Regulation Officer

E-mail: daniel.grant@naturalresourceswales.gov.uk

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.

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.