

Compliance Assessment Report CAR_NRW0043618

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 07/02/2024 between 11:00 and 11:50.

Parts of permit assessed: see below

NRW Lead Officer: Daniel Grant, accompanied by Leon Williams.

Report sent to: Stephanie Critchley, TCM on 04/03/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.4.2
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
C3 - General Management - Materials acceptance	C3 Minor (Suspended)	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)	

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

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
A1	Ensure that all permitted WEEE accepted on site is stored in accordance with Annex VIII of the WEEE Directive	31/03/2024
C3	Apply for a permit variation to continue accepting this waste and remove all waste washing machines/ tumble dryers currently on site to a suitably permitted facility.	31/05/2024

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 Wednesday the 7th of February 2024 by Natural Resources Wales officers Daniel Grant (Hazardous Waste Regulation Officer) and Leon Williams (Senior Waste Regulation Officer).

Officers met with TCM Stephanie Critchley in the site office and carried out an unaccompanied site inspection.

Weather conditions were largely clear throughout the visit.

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 2024, this is compliant with Section 21 of the Hazardous Waste Regulations 2005.

Site inspection

Officers inspected the ELV depollution shed, this area was kept clean and tidy with no evidence of any hazardous waste discharge or run-off from the vehicles (Figure 1). It was very reassuring to see that the depollution activities carried out on site were being carried out in accordance with the ELV Directive. Thank you for your compliance here.



Figure 1. ELV depollution shed.

Officers inspected the depolluted ELV storage area. It was noted that the standing water that was noted during the previous inspection (Compliance Assessment Report CAR_NRW0042782) had been resolved. Between both inspections Stephanie had provided photos to show concrete works had been carried out in this area to level the surface (Figure 2). Thank you for your compliance here.



Figure 2. Photo taken by Stephanie Critchley of ELV storage area following concrete works to fix pooling of water issue.

In the ELV storage area at least twenty waste washing machines/ tumble dryers/ cookers were stored

(Figure 3). This matter was raised during the previous site inspection (Compliance Assessment Report CAR_NRW0042782) and Phoenix Metal & Demolition Ltd were given a non-compliance score of 3. The waste was removed following the previous site inspection.



Figure 3. Waste washing machines, tumble dryers and cookers

Following the site inspection, officers raised this issue with Stephanie CRITCHLEY at the site office. Stephanie explained she was under the impression that they could continue to accept this waste type as the following EWC is listed under condition 2.3.2 present on the site permit:

- 16 02 14

Following this site inspection officers passed this query on to NRW senior waste policy team to look into this matter further. It has been concluded that this EWC does not cover the acceptance of this waste stream. The following response has been provided by them to explain this:

“Either of the following codes may be applicable for waste types such as washing machines, tumbler dryers and/or dishwashers:

- 16 02 14 – *(discarded equipment other than those mentioned in 16 02 09 to 16 02 13)*
- 20 01 36 – *(discarded electrical and electronic equipment other than those mentioned in 20 01 21, 20*

01 23 and 20 01 35)

However, when using WM3 (List of Wastes (LoW)) to code and classify waste, the document has legal instructions that explain how it must be used to ensure the correct code for a waste is identified. It is important to understand that the LoW is not a 'look up' list and to accurately identify the 'appropriate' code or codes for the waste the producer/holder must both:

- consider the entire list, rather than focussing on a single process chapter*
- use the chapters in the order of precedence specified in the instructions (steps as below, and as set out with appendix A of WM3)*

Step 1

The first step is for the producer/holder to look at Chapters 01 to 12 and 17 to 20. These chapters refer specifically to an industry process or business activity that has produced the waste, and to municipal waste. A business will typically have municipal wastes (chapter 20) and wastes from one or more processes or activities. A number of chapters will normally need to be considered. If the waste falls into one of these chapters, and is listed there with one or more applicable entries, the producer/holder should use the most appropriate code for the waste.

Step 2

If no appropriate code is found in chapters 01 to 12 or 17 to 20, then step 2 is to check chapters 13, 14 and 15 to see if the waste is listed there. '99' codes from chapters 13, 14 and 15 may be considered.

Step 3

If there is no appropriate code or codes in chapters 01 to 15 or 17 to 20, then step 3 is to look in chapter 16. '99' codes from chapters 16 may be considered.

Step 4

Occasionally an appropriate code or codes may not be identified in steps 1 to 3. This is unusual, so it is recommended that the producer/holder reviews steps 1 to 3 before proceeding. Step 4 applies If a waste is from one of the industry processes 01 to 12 and 17 to 20, but a 99 code that was not able to be used in Step 1 can now be used. The producer/holder should still use the 'most appropriate' code, so a 99 code shouldn't be used if a more suitable alternative is available in another chapter of the LoW.

Step 5

This step then moves onto the hazardous/non-hazardous assessment.

Working through the steps in order, an appropriate code should have been identified by this point. However for further clarity you will note that within WM3 against codes 16 02 14 & 20 01 36 it refers to example 6. Example 6 which can be found upon page A44 of WM3 provides an example for the classification of electronic and electrical equipment (WEEE and related components).

Ultimately as above, it is for the producer/holder to appropriately classify their waste, however using the above as a guide, working through the steps of WM3, the 20 01 36 code (Which does specify 'Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions) would be arrived at first and maybe the most appropriate code to use, this is potentially further justified by example 6.

Once the waste has been assigned a code, the waste needs to be taken to a facility that is appropriately

authorised to accept it. The facility that is preparing to accept the waste will need to ensure that the specific waste code is listed upon their permit (or exemption). If the code is listed upon their permit, then they may choose to accept the waste. If the code is not listed upon their permit the waste will need to be taken to an alternative facility.

If a facility wishes to accept a waste which is not listed upon their permit, a variation application will need to be made. The facility must then wait until the permit has been determined and issued before the waste can be accepted.

Waste codes should not be assigned based on what a facility can accept or not.

Where wastes are co-collected, guidance is available within example 1 of the WM3 guidance (page 74/A40). Where possible co-collected wastes must be separated where technically and economically feasible and separately coded."

Considering your permit does not include EWC 20 01 36, this is non-compliant with condition 2.3.2 of your permit. Further details about this non-compliance can be found below.

In order to ensure that your site can continue to accept waste coded as 20 01 36 you would need to vary your permit. This would likely be a minor technical variation, further guidance on this can be found here:

<https://naturalresources.wales/permits-and-permissions/waste-permitting/charges-for-waste-permits/?lang=en>

You can vary your bespoke permit with NRW here:

<https://naturalresources.wales/permits-and-permissions/waste-permitting/apply-to-change-to-or-vary-a-bespoke-waste-permit/?lang=en#:~:text=Adding%20or%20changing%20bespoke%20waste,you%20may%20need%20to%20give.>

Waste washing machines/ tumble dryers/ cookers are considered as Waste electrical and electronic equipment (WEEE). Condition 2.4.2 of your permit states the following:

"The storage (including temporary storage) and treatment of WEEE shall be carried out in accordance with the technical requirements of Annex VIII of the WEEE Directive."

The waste was not stored under weatherproof covering as required in Annex VIII of the WEEE Directive, as a result this is non-compliant with condition 2.4.2 of your permit. Guidance on this requirement was provided in the previous CAR report (CAR_NRW0042782). Further details of this is provided towards the end of this report.

The area of the site where the oil interceptor is located was inspected. This area has been cleared since the last site visit which makes it much more accessible to monitor and inspect. It is important that you ensure that this is maintained and thank you for taking steps here to ensure compliance.

Non-compliances**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."

Regulatory officers have raised your query regarding the coding of waste washing machines/ tumble dryers/ cookers with Senior Waste Policy and it has been concluded that such waste should be coded as 20 01 36.

As a result, this is a non-compliance with condition 2.3.2 and a CCS breach 3 has been assigned. However, whilst on site, Stephanie explained that conversations had been happening between Phoenix Metal & Demolition Ltd and Oaktree Environmental regarding varying the site permit to include this waste type. As a result of this plan, in this case it has been agreed that this CCS breach 3 will be assigned as a suspended score.

Should Phoenix Metal & Demolition Ltd apply to NRW's waste permitting department for a permit variation by the specified deadline, then this score will not apply.

Action-

Apply for a permit variation should you wish to continue accepting waste washing machines, waste tumble dryers and cookers

Deadline- 31/05/24

Action-

Remove all washing machines/ tumble dryers/ cookers 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- 31/03/24

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Condition 2.4.2

"The storage (including temporary storage) and treatment of WEEE shall be carried out in accordance with the technical requirements of Annex VIII of the WEEE Directive"

Annex VIII of the WEEE Directive specifies:

"Sites for Storage (including temporary storage) of WEEE prior to its treatment:

- Impermeable surfaces for the appropriate areas with provision of spillage collection facilities and, where appropriate, decanters, and cleanser-degreasers,
- Weatherproof covering for appropriate areas"

This guidance was also provided in the latest CAR report (CAR_NRW0042782).

The WEEE (Figure 3) that officers inspected during this inspection did not benefit from any form of

weatherproof covering.

A CCS breach of 3 has been assigned for this non-compliance.

Action- Ensure that all permitted WEEE accepted on site in line is stored in accordance with Annex VIII of the WEEE Directive

Deadline – 31/03/24

Summary

Non-compliances with two separate conditions were identified:

- condition 2.3.2
- condition 2.4.2

Two CCS 3 scores have been assigned in this case; however, one score has been suspended, meaning that only a single CCS 3 score may be applied should you complete the required action by the specified deadline.

Therefore, at this present time your overall CCS score for this inspection is 4.

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.