

Compliance Assessment Report CAR_NRW0045319

Permit being assessed: QP3194FY.

For: David Neil, **held by:** William David Neil

At: Trofarth, Abergele, Conwy, LL22 8BN.

Type of assessment: Site Inspection,

Reason: Routine.

On: 21/08/2024 between 09:48 and 12:39.

Parts of permit assessed: see below.

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

Report sent to: David Neil + Wayne Neil, permit holder + site contact, on 01/10/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	C2 Significant	2.3.1
W2F - Waste - Operations - Technical requirements	C3 Minor	1.2.1
W4B - Waste - Information - Reporting	C3 Minor	6.1.1
W2C - Waste - Operations - Operating techniques	C3 Minor	4.2.1
W2C - Waste - Operations - Operating techniques	C3 Minor	3.1.2
W3B - Waste - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	5.1.3
W2C - Waste - Operations - Operating techniques	C3 Minor	5.4.1

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

Total non-compliances recorded	Total non-compliance score
7	55

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
W1A	Site must have a suitably qualified TCM.	01/11/2024
W2F	All ELVs to be fully depolluted prior to storage on hardstanding	01/11/2024
W4B	Submit waste returns for each quarter since 2007	01/11/2024
W2C	install site identification board to continue waste activities on site	01/11/2024
W2C	Improve site drainage and containment systems	01/11/2024
W3B	Improve control and remediation of leaks and spills	01/11/2024
W2C	Oiled waste parts to be stored in containers and on impermeable surface. Waste tyres stored on impermeable surface	01/11/2024

Compliance 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 was an unannounced visit carried out on Wednesday 21st August 2024 by Natural Resources Wales (NRW) officers Daniel Grant (Hazardous Waste Regulation Officer), Leon Williams (Senior Waste Regulation Officer) and David Wilby (Lead Specialist). NRW Officers were also accompanied by two Rural Crime Team Police Officers.

The purpose of the visit was to undertake a general site inspection and investigate the unpermitted storage of waste at the site.

Officers initially met with David NEIL and were then accompanied by Wayne NEIL who also occupies the site.

Weather conditions were initially clear and dry followed by some very light rain and overcast weather.

No contact has been made with NRW since our previous site inspection on the 5th October 2023 (CAR_NRW0042641).

Officers walked across the whole permitted site area with Wayne.

David and Wayne claimed the site was "Non-operational" and that they wished to surrender the permit. NRW have received no formal surrender application for this to date.

Upon completion of the site inspection NRW consider the site as "Operational". This is because there was clear evidence that waste treatment and storage activities were occurring on site. This included the storage of End of Life Vehicles (ELVs) and scrap metal. A chassis of a vehicle was identified in a skip within the permit

boundary and other vehicles had been partially stripped of parts (Figure 1). Other waste types associated with the depollution of vehicles including engines, waste tyres and waste oils were also identified across the site (Figure 6 +8). As a result, all conditions specified in the permit must be complied with in order to prevent harm to the environment and protect human health.



Figure 1. ELV fully stripped for parts with only chassis remaining inside a skip (upper) and ELV partially removed of parts (lower).

Non-compliances

Condition 1.2.1

“The storage (including temporary storage) and treatment of waste motor vehicles shall only be carried out at the site if it meets the standards set out in Schedule 5 of the End of Life Vehicles Regulations 2003”

Where Part 2 in Schedule 5 of the End of Life Vehicles Regulations 2003 states:

“2. The treatment of a waste motor vehicle shall only be carried out at a site—

(a) having, in appropriate areas, impermeable surfaces and provided with spillage collection facilities, decanters and cleanser-degreasers;”

A vehicle stored on hardstanding rather than impermeable surface at the site was partially removed of parts (Figure 2). A vehicle being dismantled for parts is considered waste and must therefore conform with the requirements of the ELV regulations 2003. According to the ELV regulations 2003 any vehicle stored on hard-standing must be fully depolluted. This vehicle identified was not fully depolluted.

As a result, this is non-compliant with Condition 1.2.1 and CCS breach of 3 has been assigned.



Figure 2. Waste vehicle partially removed of parts stored on hardstanding.

Condition 2.3.1

“Fit and proper person. Any changes in the technically competent management of the site, the name of any incoming person and evidence that such a person has the required technical competence, shall be submitted to the agency in writing within 5 working days of the change in management”

NRW have not received any correspondence notifying us who the qualified technically competent manager is on site. This requirement is not being met and there is currently no record on who has been carrying out this requirement at the site prior to 2010.

On the 5th July 2010 you received a letter from us (Environment Agency at the time) detailing the changes to the Technically Competent Manger requirements. This required you to attain a qualification externally from CIWM/ WAMITAB in order to ensure compliance with this condition of your permit.

You were further reminded of the requirement to ensure a TCM was overseeing the site activities in a CAR form NRW0032350, dated 27/10/2017, by the regulating officer.

You must have a technically competent manager (TCM) to manage activities on your site and they must attend the site for a minimum period of time each week. The TCM must demonstrate their competence by satisfying one of the accepted industry schemes approved by Defra. During the inspection officers identified

evidence that demonstrated the site was operational. We consider that a site is operational when it is either accepting or removing waste, or undertaking any process or activity involving waste that should be under the day-to-day control of a technically competent manager.

Having observed waste storage and treatment on site we are of the understanding that the site has been operating without a dedicated TCM since 2010. Therefore, as the management of site operations or risks associated with the waste operations are not being supervised by a suitably qualified individual the site is non-compliant with condition 2.3.1 and a CCS breach 2 has been assigned.

Condition 4.2.1

“No end-of-life-vehicle vehicles shall be received at the site unless an identification board is provided at or near the site entrance”

There was no site identification board at the site entrance on the day of the inspection. The inspection revealed that ELVs have been accepted recently.

As a result, this is a non-compliance with condition 4.2.1 and a CCS breach 4 has been assigned.

Condition 3.1.2

“The engineered site containment and drainage systems shall be designed, constructed, inspected and maintained, and shall be fully documented and recorded, to be fit for purpose and meet the standards specified in Table 3.1 below.”

Where Table 3.1 states:

“Sealed drainage systems – Drainage areas of impermeable pavement shall be provided by a sealed drainage system with impermeable components which does not leak.”

Wayne confirmed that no sealed drainage system has been constructed on site. Our observations failed to identify any form of sealed drainage system at the site.

Table 3.1 also states:

“All containers which are used for the storage or treatment of wastes shall be constructed and maintained so that they do not leak any liquids contained in them”

Oil drum containers at the site were left to leak to the ground (Figure 3).

Finally Table 3.1 further states:

“areas of hardstanding shall be maintained such that the working surface shall remain even, shall not be subject to rutting and shall remain free of standing water”



Figure 3. drum containers with leaking oil

Hardstanding on the site was rutted with evidence of pooling of water (Figure 4).



Figure 4. hardstanding rutted and with standing water

The engineering of the site containment and the drainage system requirements under your permit ensures that surfaces and containment or drainage facilities are adequate for all operational areas, taking into consideration collection capacities, surface thicknesses, strength/reinforcement, falls, materials of construction, permeability. Under this condition we would also expect you to have an inspection and maintenance programme for these surfaces and containment facilities. These requirements are not being met, more specifically the containers used to store waste oil, site sealed drainage system and hardstanding all did not meet the requirements specified in Table 3.1 of Condition 3.1.2.

As a result, these are non-compliant with the requirements specified in this condition. We have consolidated these non-compliances as a CCS breach 3 against Condition 3.1.2 (Table 3.1).

Condition 5.1.3

“In the event of any potentially polluting leak or spillage occurring on site, documented control and remediation procedures shall be implemented immediately and recorded, and shall meet the standards specifies in Table 5.1 below”

Where Table 5.1 states:

“minor spillages of oil, fuel or other end of life vehicle fluid shall be cleaned up immediately..”

Evidence of several oil spills were identified around the site. It appeared that no apparent effort had been made to remediate such spills. (Figure 5).

As a result, this is non-compliant with condition 5.1.3 and a CCS 3 breach has been assigned.



Figure 5. Oil leaked to ground from vehicle parts

Condition 5.4.1

“Residual wastes shall only be handled and stored on the site in accordance with the standards specified in Table 5.4”

Where table 5.4 states that waste tyres:

“once removed from vehicles, these waste types shall be stored in separately designated areas provided with an impermeable surface and sealed drainage”

Waste tyres were stored on hardstanding or on the ground with no sealed drainage as seen in Figure 6 .



Figure 6. Waste tyres stored on hardstanding

Waste tyres were also identified to be stored outside the permitted boundary in the field at the northern end of the site (Figure 7). This issue has been raised in previous CAR forms (e.g 19/09/2012) in the past.



Figure 7. Waste tyres stored outside permitted boundary.

Table 5.4 also states that oil contaminated parts shall be:

“segregated by type and stored within dedicated appropriate containers which are fit for purpose” and “these components shall only be stored in areas provided with an impermeable pavement and a sealed drainage system”

As seen in Figure 8, oil contaminated parts, specifically waste engines were not stored in any form of container, and instead were stored on the ground.



Figure 8. oil contaminated vehicle parts stored on the ground

As a result, the incorrect storage of all residual wastes mentioned above are non-compliant with condition 5.4.1 and a consolidated CCS breach of 3 has been assigned.

Condition 6.1.1

"A summary of the waste types and quantities accepted and the waste types and quantities removed from the site shall be made for each financial year and shall be submitted to the Agency within 1 month following the end of that year."

NRW have no record of any waste returns having been submitted since the permit was granted in 2007.

Several officers have scored this non-compliance over the years. CAR form Mon0311/EAWML37298 (09/03/11) stated the need to send waste returns for 2009-2011.

In CAR form NRW0032350, dated 27/10/2017, a CCS category 4 breach was assigned. Following this, a CCS category 3 breach was later assigned in CAR form QP3194FY, dated 10/06/2020 for this same non-compliance.

In the situation where a site is non-operational, waste returns confirming nil returns are still required. These have not been provided to NRW.

As a result of this continued non-compliance with condition 6.1.1 a score of CCS 3 has been applied.

Summary

Non-compliances with the following conditions were identified during the inspection:

- 1.2.1 (CCS 3)
- 2.3.1 (CCS 2)
- 4.2.1 (CCS 4)
- 3.1.2 (CCS 3)
- 5.1.3 (CCS 3)
- 5.4.1 (CCS 3)
- 6.1.1 (CCS 3)

Your overall CCS score for this inspection is 51.01.

Due to the severity and quantity of permit non-compliances identified during this inspection, NRW are considering taking steps to revoke the site permit. This permit revocation was discussed during the site inspection with Wayne who agreed that this would be a way forward as they also want to remove the permit. We are now looking into this matter further and may send further correspondence to you shortly.

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 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.

If your assessment result in Section 1 is suspended, what does this mean?

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 Waste compliance criteria (used in section 1 and 2):

1. Management

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

2. Operations

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

3. Emission and Monitoring

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

4. Information

- W4A – Records
- W4B – Reporting
- W4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.