

Compliance Assessment Report CAR_NRW0045673

Permit being assessed: BP3095CL.

For: Nis-Spec 1st , held by Mr John Barry Dyos & Mrs Susan Caroline Dyos
At: N I S-S P E C 1st Ltd, Guilsfield Road, Welshpool, Powys, SY21 9BS.

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

On 01/11/2024 between 11:25 and 12:40.

Parts of permit assessed: See criteria below

NRW Lead Officer: Luke Taylor, accompanied by Jeremy Goddard.

Report sent to: Tom Dyos, Site Operator on 11/12/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	C3 Minor	1.1.1
W1A - Waste - Management - General management	C3 Minor	1.1.4
W4B - Waste - Information - Reporting	C4 No impact	4.2.2
W2C - Waste - Operations - Operating techniques	C3 Minor	2.3.1
W1A - Waste - Management - General management	C3 Minor	1.1.1

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

Total number of non-compliances recorded	Total non-compliance score
5	16.1

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

2. What action is required?

Criteria	Action needed	Complete by
W1A	Update the site notice board to display the required information, and reposition so that it can be read from outside the site	14/02/2025
W1A	Ensure that there is a suitably qualified Technically Competent Manger attending site, and provide evidence of their qualification to Natural Resources Wales.	14/02/2025
W4B	Submit all outstanding waste returns to NRW.	14/02/2025
W2C	Move all vehicles which are damaged or which have not been fully depolluted to areas of impermeable surface.	31/01/2025
W1A	Fully review and update the site EMS, ensuring that it	14/02/2025

Criteria	Action needed	Complete by
	complies with the guidance, and submit a copy to NRW	

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 Compliance Assessment Report is being produced following an unannounced site inspection, conducted on Friday 1st November 2024. At the time of the inspection the weather was dry but overcast and the site was operational.

Luke Taylor (Waste Regulation Officer) and Jeremy Goddard (Team Leader - Mid Wales Waste Regulation and Enforcement Team) of Natural Resources Wales carried out the inspection, being accompanied by staff member Neil Jones.

The following breaches were identified:

W1A - General Management - Cat 3 - Permit condition 1.1.1

You have been scored for the above breach as your permit states under the above condition:

The operator shall manage and operate the activities 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.

The guidance on management systems, both within the Natural Resources Wales document 'How to Comply with your Environmental Permit' and the guidance published on the GOV.UK website, states that you must have a notice board which needs to be easily readable from outside the site in daylight hours and must include:

- the permit holder's name (company name at least)
- the operator's name if different (company name at least)
- an emergency contact name and the operator's telephone number
- a statement that the site is permitted by Natural Resources Wales
- the permit number

- Natural Resources Wales national numbers, 0300 0653000 and 0800 807060 (incident hotline), or any other number we subsequently notify you about in writing.

There are currently two site boards positioned inside the main gate, which staff confirmed is closed when the site is not in operation, so would not be visible from outside the site.



(Current site boards showing out of date information)



(Gates which when closed prevent site board information being seen)

The permit number displayed on these signs is out of date, showing a permit number which has not been correct for fourteen years, since the permit was varied in September 2010. There are no contact numbers for Natural Resources Wales on it either.

ACTION - Update the site notice board to display the required information and reposition so that it can be read from outside the site. Deadline 14/02/2025

W1A - General Management - Cat 3 - Permit Condition 1.1.4

You have been scored for the above breach as there is currently no Technically Competent Manager (TCM) for the site. Previously, the site owner, John Dyos, has acted as the TCM, however, site staff informed officers that Mr Dyos was not involved in the operation of the site any longer, did not attend the site on a regular basis, and that his son Tom Dyos was now operating the site.

From review of the records held by WAMITAB/CIWM, the last time that John Dyos obtained a Continued Competency award in relation to the treatment of End of Life Vehicles was on 04/11/2016, and the Metal recycling sites unit was achieved 15/11/2018. As these continued competency qualifications last for two years, he has not been suitably qualified for four years. The TCM must be in a position to direct activities on the site, with a minimum attendance time of 20% within site operating hours. As John Dyos is not attending the site he would not be in a position to act as TCM and oversee operations, even if he were still in date with a qualification.

This was breached was recorded on:

- Compliance Assessment Report CAR_NRW0037360 (February 2021)
- Compliance Assessment Report CAR_NRW0042498 (September 2023)

This is now the third occasion on which the lack of a TCM on site has been recorded. Should the below action not be complied with, Natural Resources Wales will consider the issuing of a Regulation 36 Notice under the Environmental Permitting Regulations 2016, in order to require you to comply with this permit condition. Failure to comply with such a notice is an offence.

ACTION - Ensure that there is a suitably qualified Technically Competent Manager attending site and provide evidence of their qualification to Natural Resources Wales. Deadline 14/02/2025

W4B - Reporting - Cat 4 - Permit Condition 4.2.2

You have been scored for the above breach as no waste returns have been submitted to Natural Resources Wales since 2021. Your permit states that, within one month of the end of each year, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous year.

This breach was also highlighted to you within CAR_NRW0042498 which was sent following the last compliance inspection, conducted in September 2023. A deadline of 08/12/2023 was given for the submission of the outstanding waste returns but no waste returns have been submitted.

ACTION - Submit all outstanding waste returns to NRW. Deadline 14/02/2025

W2C - Operating Techniques - Cat 3 - Permit Condition 2.3.1

You have been scored for the above breach as there are several vehicles located within the top area of hard standing on the site, which were accident damaged, and which staff

stated were awaiting depollution, to then be dismantled for parts. Condition 2.3.1 of your permit states that the activities shall be operated using the techniques and in the manner described in Table 2.3. Within this table it states:

- Fully depolluted end-of-life vehicles, uncontaminated plastic, glass and ferrous and non-ferrous metal wastes arising from the treatment of end-of-life vehicles shall be stored on hard standing or an impermeable surface with sealed drainage system. All other wastes shall be stored on an impermeable surface with sealed drainage system.
- Whole undepolluted and undamaged vehicles shall be stored on an impermeable pavement with a) a sealed drainage system; or b) a drainage system which discharges to surface water or to groundwater and is designed, constructed and maintained so discharged run-off does not adversely impact the water quality of receiving water bodies, both during construction and when operational.

As the vehicles being stored in this area are neither fully depolluted nor undamaged, they must be stored on impermeable surface.

ACTION - Move all vehicles which are damaged, or which have not been fully depolluted, to areas of impermeable surface. Deadline 31/12/2024

W1A - General Management - Cat 3 - Permit Condition 1.1.1

When the officers have asked to see the management system staff were unaware that such a document existed. To avoid any confusion, the officers have sought to explain what an Environment Management System (EMS) is, detailing the areas what would be covered, such as storage limits and quantities, pollution response procedures, accidents etc. They have also stated that such a document could be referred to under another name, as it is known some older sites refer to these as working plans or similar. Despite this, staff stated that they had not seen such a document.

Your staff must have access to and understand any sections of the management system that deal with activities they carry out.

Following the site visit, a request was made for the site EMS, with a document being submitted. This document, titled 'Nis-spec1st Environment Management System' has been reviewed and does not meet the requirements of a management system, as stipulated within the guidance documents.

Along with all the standard requirements of a management plan, as a waste operator, you must also include in your plan details of waste storage, including maximum time limits, quantities and heights.

There are no references to maximum storage times or quantities within the management system. Under 'Staff Procedures, Environmental Safety and Safety Processes' sub heading of 'Storage of Vehicles Pending De-pollution' it states that all vehicles awaiting de-pollution must be stored in the top yard car park at Nis-Spec. That area is formed of hardstanding, and so to store the vehicles there is a breach of your site permit. The permit states that any undepolluted or damaged ELV's must be stored on impermeable surface.

You must put in place measures to deal with “accidents, incidents and non-conformances” (these include emergencies). Typically, this is called an accident management plan and must form an integral part of your management system. There is a ‘Spillages Step by Step Procedure’ within the EMS, but this does not constitute an accident plan as required. It must also include:

- site plan which identifies location of any emergency kits or equipment for fire, spill kits and drain caps
- a list of key contacts and their numbers.

No site plan is included within the EMS.

There are other areas which require addressing or further detail within the EMS. Information on developing a management system and what needs to be included, can be found here:

<https://naturalresources.wales/media/680335/how-to-comply-with-your-environmental-permit.pdf>

ACTION - Fully review and update the site EMS, ensuring that it complies with the guidance, and submit a copy to NRW. Deadline 14/02/2025

If you wish to discuss the content of this Compliance Assessment Report, please feel free to contact me:

luke.taylor@cyfoethnaturiolcymru.gov.uk

Regards,
Luke Taylor

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.