

## Compliance Assessment Report

**Report ID:**  
**CAR\_NRW0035752**

**This form will report compliance with your permit as determined by an NRW officer**

Site	The Old Transport Yard		Permit Ref	XP3694FN		
Operator/Permit holder	Mr M R Jackson					
Regime	Waste Operations					
Date of assessment	16/09/2019	Time in	13:50	Out	14:30	
Assessment type	Site Inspection					
Parts of the permit assessed	Specified by permit; Containment of stored materials; Management system and operating procedures; Storage, handling, labelling and segregation					
Lead officer's name	White, Steven					
Accompanied by	Henderson, Amy					
Recipient's name/position	Mike & Steve Jackson/ Directors		Date issued	26/11/2019		

### Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
A1 - Specified by permit	X	
	C2	1.1.1a
B4 - Infrastructure - Containment of stored materials	C3	Permit condition: 2.4.1
C2 - General Management - Management system and operating procedures	C3	2.3.1 a
C4 - General Management - Storage, handling labelling and Segregation	C3	Permit conditions: 2.1.1; 2.4.2

**KEY:** See Section 5 for breach categories, suspended scores will be indicated as such.

**A** = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

**O** = Ongoing non-compliance, not scored.

<b>Number of breaches recorded</b>	<b>4</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>43</b>
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**If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response**

## Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

This was an unannounced inspection carried out by regulating officers Steven White and Amy Henderson, Steve Jackson was on site at the time of the visit but was busy with customers and did not accompany officers during the inspection.

There were a number of vehicles parked outside the permitted boundary (see photo 1 below), you must ensure that all ELV are stored within the permitted boundary of the site; on inspection of these vehicles we were unable to prove that they were ELV for MR Jacksons or if they were customer/employee vehicles for this or other businesses in the area - this will be followed up in the next inspection. However, there is a Fire Engine that has been parked outside the site boundary for a number of months (see photo 2 below), previous discussions with site have ascertained that this is still used as a 'classic' vehicle and is not yet a ELV. You must ensure that all vehicles that are destined to be depolluted and are classed as 'waste' are stored within the permitted boundary as per condition 2.2.1 of the site permit. For clarification the legal definition of waste that Natural Resources Wales adheres to is *'A material is considered to be waste when the producer or holder discards it, intends to discard it, or is required to discard it'*



Photo 1: Vehicles stored outside permitted boundary(16/09/19). Photo 2: Fire engine visible on 31/07/18

As officers entered the yard we observed approx. 10 vehicles stored in an area adjacent to the entrance gates, these vehicles were stored here prior to being depolluted. This area drains to the site interceptor, there is a concrete slab in this area which is where engines are stored post-depollution to drain the residual oils into the interceptor. Following depollution there are usually some residual fluids left in the engine; engines and oily parts are required to be stored on the concrete slab that drains to the interceptor. Further into the yard a large number (approx. 15) engines were observed stored outside on hardstanding (see photo below) with no weatherproof covering or separate, sealed storage area. This goes against the relevant part of the ELV Directive (The treatment of a waste motor vehicle shall only be carried out at a site... provided with storage facilities that are appropriate for dismantled spare parts, including impermeable storage facilities for spare parts that are contaminated with oil) and is a breach of Working Plan condition 4.2 which states that engines are to be stored on a concrete slab in the designated area that shall drain to an oil interceptor. Engines stored on hardstanding in this area cannot drain to the interceptor; this contributes as a permit breach and is discussed with other permit breaches below.





Engines stored outside on hardstanding with no weatherproof

We inspected the vehicle crushing area where ELV are crushed prior to being removed from site, ELV in this area should be completely depolluted prior to crushing. On inspection there were at least three vehicles in this area that still had fluids in them (see photos below)



Red Peugeot with fluids observed in crushing area



Fluids observed in vehicles in crushing area

During the inspection we checked approximately 20 vehicles to see if they were fully depolluted prior to being stored in the main yard, an estimated 3/4 of these (~15) were found to have various fluids, un-depolluted engines and batteries still in them. Permit condition 2.4.1 states that the 'storage and treatment of waste motor vehicles shall meet the requirements of article 6(1) of the End-of-life Vehicles Directive' as detailed below:



Treatment operations for the depollution of a waste motor vehicle shall consist of—

(a) the removal of the battery or batteries;

d) the removal and separate collection and storage of all: fuel; motor oil; transmission oil; gearbox oil; hydraulic oil; cooling liquids; antifreeze; brake fluids; air-conditioning system fluids; and any other fluid contained in the said vehicle, but excluding any fluid which is necessarily retained for the re-use of the part concerned

Not fully depolluting the vehicles prior to storage on the hardstanding can have a significant impact on the ground, this is shown in the photo below where a large patch of oil is visible below a not-fully depolluted vehicle.



Large oil spill below ELV on hardstanding

Section 4.1 and 4.3 of the Working Plan state that batteries are to be removed from the ELV during the depollution phase and stored in a separate skip. As well as the batteries observed in the vehicles on the yard there were a large number of batteries stored on the (sealed, concrete) ground in the workshop. Due to the chance of ignition from them lead-acid batteries must be removed from the vehicles and stored in suitable, weatherproof containers as described in Schedule 1, table S1.1

Due to the vehicles on site not being fully depolluted they are classed as hazardous waste, and in accordance with permit condition 2.4.2 'shall not be mixed, either with a different category of hazardous waste or with other waste, substances or materials'. Schedule 1 table S1.1 (as directed by permit condition 2.1.1) also dictates that 'all hazardous waste must be stored on impermeable surface with sealed drainage'

It is concerning to note that there were so many un-depolluted vehicles stored on permeable hardstanding areas during the visit, this has been brought to your attention during previous inspections and will be scored accordingly and in line with previous inspections permit breaches.

The root cause of these breaches is a (non compliance) with the EMS for the site; subsequently the highest CCS score is logged against this permit condition. This is explained in further detail below.

### **Permit Breaches**

#### **A1: Specified by Permit (Permit conditions: 1.1.1a, Action for 2.2.1)**

During the inspection officers observed multiple vehicles that had not been fully depolluted with oil, various fluids and batteries left in the engine, engines were also observed stored outside on hardstanding and not in accordance with the above WP conditions with regards to the removal and safe storage of potentially polluting materials on site. Permit condition 1.1.1a requires that 'the operator shall manage and operate the activities in accordance with a written management system..' Due to the number of vehicles observed un-depolluted on permeable ground this has been scored the same as when similar issues were found during the inspection on 16/02/17 as a C2 breach of this permit condition. Storing un-depolluted ELVs on permeable ground poses a significant risk to the groundwater and receiving environment, not removing the batteries from the engines increases the risk of ignition from the waste and with the large number of vehicles stored close together could cause a major fire. The close proximity of the A494 and other businesses and residential building would be greatly affected should a fire break out on site.

There were a number of vehicles stored outside the permitted boundary adjacent to the entrance gate, waste vehicles can only be stored within the permitted boundary of the site. As we were unable to prove that they were ELV for MR Jacksons or if they were customer/employee vehicles for this or other businesses in the area. This has subsequently been logged as an 'action' to ensure that all waste ELV are stored within the permitted boundary and will not show up as a score against the permit.

The root cause of this and the other breaches of permit listed above is a failure to adhere to the various permit conditions (discussed here and below) and to the Environmental Management System (EMS) for the site; subsequently the highest breach of permit condition **(C2)** for this inspection is scored in this section.

Action: ELVs must be fully depolluted before being stored on permeable ground in the yard. Batteries and all fluids must be

removed and stored separately in suitable containers and oily parts must be stored in suitable weatherproof containers. All un-depolluted (hazardous) ELVs must be removed and fully depolluted prior to returning to the yard. Deadline for this action is Friday 8th November 2019.

#### **B4: Containment of stored materials (Permit condition 2.4.1)**

Permit condition 2.4.1 states that the storage and treatment of waste motor vehicles shall meet the requirements of the ELV Directive. On inspection of approx. 20 vehicles officers can not conclude that this is happening on site. This is therefore scored as a C3 breach against this permit condition.

Action: ELVs must be fully depolluted before being stored on permeable ground in the yard. Batteries and all fluids must be removed and stored separately in suitable containers and oily parts must be stored in suitable weatherproof containers. All un-depolluted (hazardous) ELVs must be removed and fully depolluted prior to returning to the yard. Deadline for this action is Friday 8th November 2019..

#### **C2: Management System and operating procedures (Permit conditions: 2.3.1a, 2.5.1)**

Section 2.3.1 a states that the operations on site are to be carried 'using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2; that is - in accordance with the technical Guidance Document 'How to comply with your environmental permit'. This is not being adhered to at MR Jacksons and subsequently a C3 breach has been scored against this permit condition.

Action: Activities on site must adhere to the relevant guidance specified within the permit (How to Comply, and H1 Horizontal guidance). Deadline for carrying out the site activities in line with the relevant documentation (2.3.1a) will mirror those above, that is by Friday 8th November 2019.

#### **C4: Storage, handling, labelling and segregation (Permit conditions 2.1.1, 2.4.2)**

Permit condition 2.1.1 requires that you are only authorised to carry out the activities specified in schedule 1 table S1.1: 'All hazardous waste must be stored on impermeable surface with sealed drainage', and 'lead acid batteries shall be stored in containers with an impermeable, acid resistant base and a lid to prevent ingress and egress of water'. As the vehicles inspected on site were not fully depolluted they would be classed as hazardous waste and as some batteries were not removed, and those that had were stored on the ground in the building (not in containers) this has been scored as a C3 breach against this condition. It is also a breach of permit condition 2.4.2 'hazardous waste shall not be mixed, either with a different category of hazardous waste or with other waste, substances or materials' and is scored as a C3 breach against this permit.

As with the scores in the section above these have been consolidated into a single C3 breach for this section.

Action: ELVs must be fully depolluted before being stored on permeable ground in the yard. Batteries and all fluids must be removed and stored separately in suitable containers and oily parts must be stored in suitable weatherproof containers. All un-depolluted (hazardous) ELVs must be removed and fully depolluted prior to returning to the yard. Deadline for this action is Friday 8th November 2019.

It is concerning that the site has fallen out of compliance with it's permit and there were so many breaches of the permit and working plan observed in the inspection. As discussed above, the root cause of these breaches is a (non compliance) with the site EMS; the most up-to-date EMS has been submitted to NRW and is saved on the site file.

Thank you for your time during the inspection, please find my contact details below.

Regards

**Steven White**

**Senior Environment Officer (Waste Regulation Team)**

Direct dial 03000 653 913

*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.*

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0035752**

**This form will report compliance with your permit as determined by an NRW officer**

Site	The Old Transport Yard	Permit Ref	XP3694FN
Operator/Permit holder	Mr M R Jackson	Date	16/09/2019

### Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

### Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
C4	C3	ELVs must be fully depolluted before being stored on permeable ground in the yard. Batteries and all fluids must be removed and stored separately in suitable containers and oily parts must be stored in suitable weatherproof containers. All un-depolluted (hazardous) ELVs must be removed and fully depolluted prior to returning to the yard.	08/11/2019
B4	C3	ELVs must be fully depolluted before being stored on permeable ground in the yard. Batteries and all fluids must be removed and stored separately in suitable containers and oily parts must be stored in suitable weatherproof containers. All un-depolluted (hazardous) ELVs must be removed and fully depolluted prior to returning to the yard.	08/11/2019
A1	X	All waste ELV are to be stored within the permitted boundary of the site	08/11/2019
C2	C3	Activities on site must adhere to the relevant guidance specified within the permit (How to Comply, and H1 Horizontal guidance)	08/11/2019
A1	C2	ELVs must be fully depolluted before being stored on permeable ground in the yard. Batteries and all fluids must be removed and stored separately in suitable containers and oily parts must be stored in suitable weatherproof containers. All un-depolluted (hazardous) ELVs must be removed and fully depolluted prior to returning to the yard	08/11/2019

## Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

**See our Enforcement and Civil Sanctions guidance for further information**

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

### Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

**Operational Risk Appraisal (Opra)** - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

## Section 6 – General information

### Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

### Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

### Customer charter

#### What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk). If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

#### Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.