

## Compliance Assessment Report

Report ID:  
CAR\_NRW0036069

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

|                              |                                                       |             |            |     |       |  |
|------------------------------|-------------------------------------------------------|-------------|------------|-----|-------|--|
| Site                         | Twyn Dismantlers Ltd                                  | Permit Ref  | WP3395FT   |     |       |  |
| Operator/Permit holder       | Caleb Griffiths                                       |             |            |     |       |  |
| Regime                       | Waste Operations                                      |             |            |     |       |  |
| Date of assessment           | 22/11/2019                                            | Time in     | 14:00      | Out | 14:45 |  |
| Assessment type              | Site Inspection                                       |             |            |     |       |  |
| Parts of the permit assessed | Various                                               |             |            |     |       |  |
| Lead officer's name          | Lee, Jonathan                                         |             |            |     |       |  |
| Accompanied by               | Warwick-Brown, David                                  |             |            |     |       |  |
| Recipient's name/position    | Caleb Griffiths, Ashley Griffiths/ Permit Holder. TCM | Date issued | 12/12/2019 |     |       |  |

### 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 |
|----------------------------------------------------------------------|----------------|-----------------------|
| B3 - Infrastructure - Site drainage engineering (clean and foul)     | C2 - Suspended | 3.1.2                 |
| C1 - General Management - Staff competency/training                  | A              |                       |
| C2 - General Management - Management system and operating procedures | C3 - Suspended | 1.2.2                 |

**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.

|                             |   |                                                           |   |
|-----------------------------|---|-----------------------------------------------------------|---|
| Number of breaches recorded | 2 | Total compliance score (see section 5 for scoring scheme) | 0 |
|-----------------------------|---|-----------------------------------------------------------|---|

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

### **INTRODUCTION**

Officers Jonathan LEE and David WARWICK-BROWN in attendance of Twyn Dismantlers Ltd, The Twyn, Fleur-De-Lys to complete a compliance inspection of the environmental permit EPR-WP3395FT held by Mr Caleb Griffiths. It was cold with heavy rain showers at the time of the inspection. Officers met with Caleb Griffiths and Ashley Griffiths on site.

### **REGULATION 37 SUSPENSION NOTICE (Served 8<sup>th</sup> August 2019)**

This visit was made to assess compliance with a Regulation 37 Suspension Notice served on the 8<sup>th</sup> August 2019.

Schedule 1 of the notice suspended the acceptance of waste into the site. During the visit, Mr Caleb Griffiths stated that no End of Life Vehicles (ELV's) had been accepted onto site whilst the notice was in place. Thank you for adhering to this requirement.

Schedule 2 of the suspension notice served on the 8<sup>th</sup> August 2019 required the operator, Mr Caleb Griffiths, to take various actions by Monday 4<sup>th</sup> November 2019. Schedule 2 of the notice is shown below: -

| <b>SCHEDULE 2</b><br><b>STEPS TO BE TAKEN TO REMOVE RISK OF POLLUTION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| Steps to be taken                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | By date                                              |
| <b>1 Area of hardstanding on site (as outlined in red in Plan A)</b><br><br>1.1 The contaminated wastes in the area of hardstanding at the site, including end of life vehicles, spare parts, metal waste, contaminated ground, contaminated gravel, IBC's containing residual ELV wastes and water must be removed from this area.<br>1.2 A site investigation to identify sources and extent of ground contamination in this area must be completed. Following this investigation, remediation of any identified contamination must be taken to return the site to its original condition (prior to operation of the permitted activity). This is to be carried out by suitably qualified persons and in line with current best practice.<br>1.3 All contaminated gravel and contaminated ground in the area must be removed from the site and recovered/disposed of correctly.<br>1.4 Paperwork must be provided to Natural Resources Wales as evidence for the waste(s) removed from this area.<br>1.5 A new area of hardstanding compliant with all requirements of Table 3.1 of the permit, must be constructed. | <b>Monday 4<sup>th</sup></b><br><b>November 2019</b> |
| <b>2 Areas of impermeable surface on site</b><br><br>2.1 All areas of impermeable surface must be altered so as to prevent fluids running off the surface.<br>2.2 All areas of impermeable surface must be served by a sealed drainage system which does not leak.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Monday 4<sup>th</sup></b><br><b>November 2019</b> |
| <b>3 Technically Competent Manager (TCM)</b><br><br>3.1 The TCM for the site must hold an up to date and appropriate certificate of technical competency.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Monday 4<sup>th</sup></b><br><b>November 2019</b> |

The three 'sections' of Schedule 2 were inspected for compliance as part of the inspection. Notes on each section of Schedule 1 have been detailed below. Breaches arising from lack of compliance with this notice have been given in the 'compliance breaches' section beneath.

#### 1. Area of hardstanding on site (as outlined in red in Plan A).

It was noted during the inspection that the operator had made significant efforts to complete the actions required in points 1.1 – 1.5. It was noted that most of the ELV's had been removed from this area and that further contaminated gravel and ground had been excavated into white rubble sacks ready for removal from the site. It was noted that a site investigation had not been completed, however, samples of the contaminated ground had been provided to a contractor sought to take the contaminated gravel and ground from the site.

The following waste(s) were present in the area of hardstanding and had not yet been removed from this area of the site; stockpile of approximately 15 cubed ELV's, approximately 5 ELV's, some IBC's containing residual liquid ELV wastes, skips containing spare parts, areas of/white rubble sacks of contaminated gravel and ground. It was also noted that the area of hardstanding contained several large pools of standing water due to recent heavy rain.

A new area of hardstanding compliant with all requirements of permit Table 3.1. had not been constructed.

Therefore, this section of Schedule 2 **has not** been complied with.

2. Areas of impermeable surface on site

The operator had not sought to alter all areas of impermeable surface to prevent fluids running off the surface. The 'new' areas of concrete on site did have a concrete curb lip on the edges. However, due to heavy rain at the time of the inspection water was visibly overtopping into the area of hardstanding on site, and therefore not entering a sealed drainage system.

Therefore, this section of Schedule 2 **has not** been complied with.

3. Technically Competent Manager (TCM)

Point 3.1 of the notice required the TCM for the site to hold an up to date certificate of technical competency. During the inspection Mr Ashley Griffiths stated that he had recently passed the relevant WAMITAB exam. Mr Ashley Griffiths presented officers with a Continuing Competence Certificate, which was valid until the 15<sup>th</sup> November 2021.

This section of Schedule 2 **has** been complied with.

## **COMPLIANCE BREACHES**

The following permit breaches were identified during the inspection.

### **B3 – Site drainage and engineering – Permit Condition 3.1.2**

Permit condition 3.1.2 states that 'the engineered site containment and drainage systems shall be designed, constructed, inspected, validated and maintained, and shall be fully documented and recorded, to be fit for purpose and meet the standards specified in Table 3.1'. Table 3.1. stipulates prescriptive requirements for site drainage and the engineered surfaces of the site.

There were several issues with the engineered surfaces and site drainage at the time of the inspection, as shown in Photos 1 – 8. Whilst the operator had made some progress to rectify this non-compliance, it was evident that significant improvements to site infrastructure needed to be made to be compliant with permit condition 3.1.2.

The following observations of non-compliance with permit condition 3.1.2 were made: -

- The area of hardstanding on site was non-compliant with Table 3.1 (a); the area was not fully constructed with a suitable granular material, the area was not even, the area was contaminated with oil and residual ELV wastes, the area contained several pools of standing water and was susceptible to rutting. These points suggest that the area of hardstanding on site remains contaminated with oil and residual ELV wastes.
- Large portions of impermeable surface on site were not served by a sealed drainage system. Some portions of impermeable surface on site were not sealed along their perimeter. In portions of impermeable surface which did have concrete bunding along its perimeter, fluids were able to overflow

Due to continued non-compliance with this permit condition and failure to comply with the steps specified in the Regulation 37 Suspension Notice dated 8<sup>th</sup> August 2019, you have been scored a further **Category 2 Breach** for failure to comply with the requirements of permit condition 3.1.2.

#### **Actions:**

As per the Regulation 37 Suspension Notice served in conjunction with this report, you are required to:

- The contaminated wastes in the area of hardstanding at the site, including end of life vehicles, spare parts, metal waste, contaminated ground, contaminated gravel, IBC's containing residual ELV wastes and water must be removed from this area.
- A site investigation to identify sources and extent of ground contamination in this area must be completed. Following this investigation, remediation of any identified contamination must be taken to return the site to its original condition (prior to operation of the permitted activity). This is to be carried out by suitably qualified persons and in line with current best practice.
- All contaminated gravel and contaminated ground in the area must be removed from the site and recovered/disposed of correctly.
- Paperwork must be provided to Natural Resources Wales as evidence for the waste(s) removed from this area.
- A new area of hardstanding compliant with all requirements of Table 3.1 of the permit, must be constructed.
- All areas of impermeable surface must be altered so as to prevent fluids running off the surface.
- All areas of impermeable surface must be served by a sealed drainage system which does not leak.

A **FINAL** deadline of the **6<sup>th</sup> April 2020** has been set to rectify this non-compliance.

#### **C2 – Management systems – Permit Condition 1.2.2 – Inadequate site management**

Permit condition 1.2.2 states that 'storage and treatment of waste motor vehicles shall meet the requirements of Schedule 5 of the ELV Regulations. Infrastructure and equipment provided to meet these

obligations shall be maintained in working order and shall be used to give effect to their purpose’.

General housekeeping of the site had improved since previous inspections, however it remained poor. A stockpile of cubed ELVs, ELVs, scrap metals and skips containing spare parts were being stored on the area of non-compliant hardstanding (as shown in Photos 1,4 and 7).

You have been scored a **Category 3 Breach** of permit condition 1.2.2 for failure to manage site activities and infrastructure in accordance with Schedule 5 of the ELV Regulations 2003.

**Action:** Manage site activities and infrastructure in accordance with permit condition 1.2.2.

A **FINAL** deadline of the **6<sup>th</sup> April 2020** has been set to rectify this non-compliance.

It should be noted that these permit breaches have been **suspended** whilst the permit is under a suspension notice.

### **Summary**

- Two out of the three sections of Schedule 2 of the Regulation 37 Suspension Notice dated 8<sup>th</sup> August 2019 with deadlines of the 4<sup>th</sup> November 2019, **have not been complied with**.
- A Category 2 breach and a Category 3 breach have been recorded in this Compliance Assessment Report. Please act to rectify these non-compliances.
- Natural Resources Wales remain **seriously concerned** with the ongoing non-compliance with several conditions of your permit.
- Natural Resources Wales will now be issuing a **further Regulation 37 Suspension Notice** with a deadline date of **Monday 6<sup>th</sup> April 2020**. Should compliance with this notice not be achieved, Natural Resources Wales will consider the **revocation of your environmental permit**. This notice has been sent separately to this Compliance Assessment Report.

### **Appendix – Site Photographs**





**Photo One** – Non-compliant area of hardstanding **Photo Two** – Non-compliant area of hardstanding



**Photo Three-** Pooling of water on hardstanding **Photo Four** – ELV's stored on hardstanding



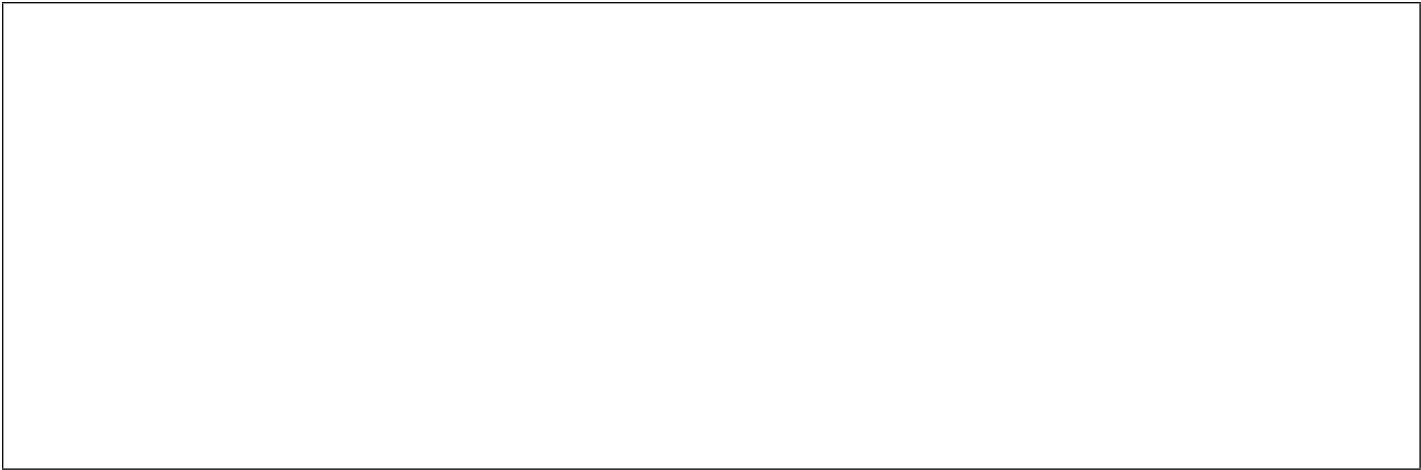
**Photo Five** – Reinstated area of hardstanding **Photo Six** – End of life vehicles



**Photo Seven** – Various wastes on hardstanding **Photo Eight** – Site overview

If you have any queries regarding this Compliance Assessment Report please contact regulatory officer Jonathan Lee on 0300 065 3908, or via email at [jonathan.lee@naturalresourceswales.gov.uk](mailto:jonathan.lee@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.*





## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0036069**

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

|                        |                      |            |            |
|------------------------|----------------------|------------|------------|
| Site                   | Twyn Dismantlers Ltd | Permit Ref | WP3395FT   |
| Operator/Permit holder | Caleb Griffiths      | Date       | 22/11/2019 |

### 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 |              |                                                                                                                                                        |            |
| C2                  | C3           | Manage site activities and infrastructure in accordance with permit condition 1.2.2.                                                                   | 06/04/2020 |
| B3                  | C2           | Remediation of area of hardstanding. Comply with all requirements of Table 3.1. Ensure impermeable site surfaces are served by sealed drainage system. | 06/04/2020 |

## 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.