

Compliance Assessment Report

Report ID:
CAR_NRW0036574

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	13/03/2020	Time in	14:00	Out	15:00	
Assessment type	Site Inspection					
Parts of the permit assessed	Specified by permit; Storage, handling, labelling and segregation					
Lead officer's name	White, Steven					
Accompanied by	Bradshaw, Kathryn					
Recipient's name/position	Mike & Steve Jackson/ Directors	Date issued	07/05/2020			

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	C3	Permit condition 1.1.1.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.

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	8
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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 Senior Environment Officer Steven White and Environment Officer (Hazardous Waste) Kathryn Bradshaw. Mike Jackson was on site but did not accompany officers around site. The weather was raining and the ground was very wet.

The car-parking area at the front of the yard has been refurbished and now only contains MR Jacksons' vehicles; you must ensure that no ELV are stored in the area outside the permitted boundary. As officers entered the yard we observed vehicles and some engines stored in an area adjacent to the entrance gates (see photo below), 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.



Engines and vehicles stored near 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 photos 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 Section 2; page 17 which states that engines produced as part of the depollution process 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. Containers with what looked like waste fluids from the vehicles were also observed stored on a pallet rather than within secondary containment, a sheen was observed coming from these oily parts which is also shown by the pictures below.



Engines and containers stored without weatherproof covering/secondary containment

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. There were a large number of crushed vehicles and vehicles waiting to be crushed in this area, on discussions with site operative MR JACKSONS were waiting for the metal market to improve before sending the crushed ELV off site. You must ensure that the volume limits set within the permit are not breached and the continued storage does not cause an environmental concern whilst waiting for the market to improve and the ELV to be removed.



Crushed ELV waiting to be removed off site

We inspected 15-20 vehicles and a small number (<5) were found to have various fluids and batteries still in them (see photos below)



Various fluids observed still in engine bay



Batteries still connected in engines

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 areas of sheen/iridescence are visible on the yard. This was brought to the attention of the site

Section 2 of the site Working Plan states 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'

A check of NRW's register of hazardous waste producers could not find MR Jacksons on our database, nor could we find any Hazardous Waste Consignee Returns for the site. It is likely that the registration has lapsed (this was also brought up in a previous inspection); MR Jacksons is required to register as a Haz Waste producer and submit quarterly consignee returns for all haz waste that has been received, removed, or disposed at your site. Details about how to complete the returns can be found on our website. Not registering and no-submission of consignee returns is an offence under the Hazardous Waste Regulations 2005

Action: Register MR Jacksons as a producer of hazardous waste and submit Consignee Returns for the site. This must be done immediately, guidance on how to do this can be found on our website

A1: Specified by Permit (Permit conditions: 1.1.1a) CCS Score C3

During the inspection officers observed vehicles that had not been fully depolluted with various fluids and batteries left in the engine, engines were also observed stored outside on hardstanding and not in accordance with the relevant Working Plan 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..'. 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. This was scored as a C2 breach in the previous inspection (16/09/19), the conditions on site were improved during this visit but there were still enough un-depolluted vehicles observed on site to warrant a breach of permit condition. This has subsequently been scored as a CCS C3 breach of the above 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 5th June 2020**

C4: Storage, handling, labelling and segregation (Permit conditions 2.1.1, 2.4.2) CCS Score C3

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'. Some batteries were not removed from the ELV, and those that had were stored on the ground in the building (not in containers). As the vehicles inspected on site were not fully depolluted, they would be classed as hazardous waste 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.

These have been consolidated into a single C3 breach for this section. Deadline for this action is **Friday 5th June 2020**

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

Regards

Steven White

Senior Environment Officer (Waste Regulation Team)

Email: steven.white@naturalresourceswales.gov.uk

Post: Natural Resources Wales, Chester Road, Buckley, Flintshire, CH7 3AJ

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_NRW0036574**

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Site	The Old Transport Yard	Permit Ref	XP3694FN
Operator/Permit holder	Mr M R Jackson	Date	13/03/2020

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.

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	Hazardous waste shall not be mixed, either with a different category of hazardous waste or with other waste, substances or materials	05/06/2020
A1	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.	05/06/2020

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. 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.