

Compliance Assessment Report

Report ID:
CAR_NRW0035568

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

Site	Frongoch Lead Mine	Permit Ref	BB3296CU			
Operator/Permit holder	Mark Skitt					
Regime	Waste Operations					
Date of assessment	18/07/2019	Time in	09:00	Out	17:00	
Assessment type	Audit					
Parts of the permit assessed	All					
Lead officer's name	Dines, Malcolm					
Accompanied by	Stone, Callum					
Recipient's name/position	Mark Skitt/ Owner	Date issued	10/09/2019			

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
C2 - General Management - Management system and operating procedures	C4	1.1.3
C4 - General Management - Storage, handling labelling and Segregation	C3	2.3.1
D2 - Incident Management - Accidents, emergency and incident planning	C3	3.4.1

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	3	Total compliance score (see section 5 for scoring scheme)	8.1
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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 this initial compliance visit for the site following the issue of the environmental permit. There are three different business activities being undertaken at Frongoch: the ELV de-pollution and dismantling; refurbishment of car parts and a garage (repair) business. Because these three different parts of the business all handle similar materials - Range Rovers, Land Rovers and their parts, this initial inspection focused on ensuring that the three different parts to the business were clearly identifiable and that the ELV depollution and dismantling activity was clearly segregated from those activities that do not require a waste activity Environmental Permit.

With regards to refurbishment of car parts, we will not consider them to be waste for permit regulation purposes as long as those parts are still destined to be used for the original purpose for which they were designed. However, this position may change in the future and it is the responsibility of the operator to ensure that they are operating within the law.

It is for the operator to determine how best to ensure that waste is kept separate from non-wastes and how best to identify the different parts of the business. However, a solution to this matter would be to have separate skips or containers that are clearly identified for different waste types produced by the Core Business and the Garage business.

Any car parts in the refurbishment part of the business that are considered not suitable for re-use or refurbishment WILL BE WASTE and must be disposed of accordingly, as will any waste parts removed from cars being repaired in the garage part of the business. These parts will be considered to have become wastes at the site but they CANNOT be mixed with waste from the ELV business as the permit does not authorise the acceptance of parts other than ELVs and Brakes.

Any waste ELVs that have arisen through the Garage business must be recorded as being accepted into the permitted activity and must show up on the waste returns.

Wastes can only be stored on-site for one year. If spare parts - produced from the dismantling of ELVs - are being kept for longer than a year it indicates that there is no market for this material and must be disposed of and so becomes waste. Therefore you a clear marking and dating system should be implemented in order to identify when parts/material entered the site.

Vehicles at the site must be clearly identified as to which part of the business they belong and should be done upon the vehicle arriving at the site. This could be done by clearly indicating on each vehicle the date that it arrived at the site and the reason/business it is there for (depollution/refurbishment) or else each vehicle arriving at the site could be logged using a site diary or similar record-keeping method. It is for the operator to decide what is the best method for identifying why vehicles are at the site, but whatever method is used must clearly identify the vehicle and why it is at the site and this process must be included as part of the Environmental Management System (EMS).

At the time of the inspection there were un-depolluted ELVs being stored on hardstanding rather than on impermeable pavement as required by the permit. This is a breach of permit condition 2.3.1, but there was no evidence that any of the vehicles were leaking or had caused a pollution and due to the location of storage it was unlikely that this breach of permit would result in anything more than a very minor pollution of land. As such this breach receives a CCS score of 3 against Compliance Assessment Report criteria C3.

To the west of the shed there is an area of concrete that was once the base of a building. Although this area is not served by a sealed drainage system, at present NRW consider this area suitable for the temporary storage of the un-depolluted ELVs currently on-site. It MUST NOT be used for accepting more un-depolluted ELVs. If the decision is taken to utilise this used, then daily checks must be implemented of all vehicles to ensure that none are leaking and a written record kept of these daily checks. If any vehicle is leaking then it must be moved to an area with impermeable pavement and sealed drainage as soon as practicable. The EMS must be updated to include the daily checks and record-keeping.

All un-depolluted ELVs on-site at the time of the compliance visit must either be moved to this temporary storage area or de-polluted before 1st September 2019.

The main shed at the site has too much material in it and there is no clear identification of waste and non-waste. Currently only half the building has a concrete floor and so non-waste materials that may contain oily residues are being stored in this area meaning that undepolluted wastes are having to be stored on hardstanding rather than impermeable pavement. It is important that the materials in the shed are sorted as soon as possible and that the rest of the floor of the shed is concreted. This will allow more area to store potentially polluting materials and still allow access to the depollution area.

It is also important that the materials in the shed are clearly identified as to whether they are 'waste' or 'non-waste'. If 'wastes' and 'non-wastes' are mixed it results in all the material being classed as waste. Therefore if non-waste materials are not clearly

identified and segregated from waste materials, then NRW will consider all the materials on site to be waste and will be regulated as such. The EMS must be updated to reflect any changes as to how materials are stored in the shed, or on the site as a whole.

The Standard Rules Set, and the EMS, must be kept, "in a place where anyone working at the site can have convenient access to them", as per rule set condition 1.1.3. At present the rule-set is being kept in the van and so anyone on-site will not have access to the rule-set if the van has left the site. This is a breach of permit condition 1.1.3 and it is reasonably foreseeable that this would be unlikely to cause a pollution as the owner is also the operator and the only other person working there is the owner's son. Therefore this is a breach of permit condition 1.1.3 and receives a compliance score of 4 under CAR Criteria C2.

There is a battery box with a lid in the shed for Lead-acid batteries although this was empty at the time of the compliance visit. The battery box is kept in the shed.

The oil storage tank does not meet the requirements of the Oil Storage Regulations 2016 as it is un-bunded. Because this tank was installed since the regulations came into force it must be compliant as soon as practicable. Compliance can be achieved by replacing the tank with a modern bunded tank or, because the tank is the shed, by building a course of bricks around the base of the building which would result in the building acting as a bund.

The operator has enrolled on an appropriate technical competence qualification scheme and has a year from the date of issue of the permit to successfully gain the qualification. Mr. Skitt must gain his qualification before 29th May 2020.

Permit condition 1.2.1 requires the operator to ensure that wastes produced at the site are treated in accordance with the waste hierarchy. To comply with this condition the operator must ensure that different types of oils are stored separately and not mixed in order to facilitate their recovery.

At the time of the compliance visit the operator does not have a Fire Prevention and Mitigation Plan. Although it is reasonable to consider that the risk of fire at the site is low due to the very limited quantity of waste stored at the site and the remote location of, the site, it is a requirement of the permit and as such is a breach of permit condition 3.4.1 and receives a CCS score of 3 against CAR criteria

EPR Compliance Assessment Report

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Site	Frongoch Lead Mine	Permit Ref	BB3296CU
Operator/Permit holder	Mark Skitt	Date	18/07/2019

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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	C4	Ensure that the anyone on-site has convenient access to the rule-set and the Environmental Management System and that they are kept at or near the place where those duties are carried out.	01/09/2019
C4	C3	All un-depolluted ELVs on-site at the time of the compliance visit must either be moved to the temporary storage area with concrete floor to the west of the site shed, or de-polluted.	01/09/2019
D2	C3	Operator must submit to NRW a written Fire Prevention and Mitigation Plan using the current, relevant fire prevention plan guidance and which identifies and minimises the risks of fire	30/09/2019

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. 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.