

Compliance Assessment Report CAR_NRW0037213

Permit being assessed: JB3036RA.

For: Pen Y Wain Farm, held by A Q A (Cardiff) Ltd

At: A Q A Autoparts, Pen Y Wain Farm, Ty Mawr Lane, Marshfield, Cardiff, Newport, CF3 2YF.

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

On 19/11/2020 between 10:30 and 11:30.

Parts of permit assessed: Part of permit assessed

NRW Lead Officer: Craig Coleman, accompanied by Gillian Coates.

Report sent to: Muhammad Ali, Site Manager on 23/12/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	4.1.2 The operator shall keep on site all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by Natural Resources Wales.
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.2.2 Within one month of the end of each quarter, 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 quarter

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
C2	Operator to set up comprehensive filing system for all waste transfer notes / hazardous waste consignment notes on site to comply with permit and waste legislation	31/01/2021
G4	Operator must submit quarterly waste returns for Q1, Q2, Q3 and Q4 of 2020 by 31st January 2021	31/01/2021

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

Introduction

Waste Regulation Officers Craig Coleman (CC) and Gillian Coates (GC) met with Site Manager Muhammad Ali (MA) for a routine site inspection on Thursday 19th November 2020. The weather conditions were dry weather interspersed with light showers and the visibility was very good throughout the inspection. The site inspection was not pre-arranged. CC and GC wore masks while inside and kept socially distant during the inspection in order to comply with Covid-19 pandemic guidance. Thank you for taking the time to conduct the inspection and explain your activities.

Breaches

Two breaches were identified during the inspection:

- Records 4.1** You were given a Category 3 breach under this condition of your permit because you were unable to produce a waste transfer note or hazardous waste consignment note for the disposal / recycling of tyres or batteries produced by your activities when requested during the inspection. To comply with your permit and waste legislation you must retain waste transfer notes for two years and hazardous waste consignment notes for 3 years on your files and accessible at your premises. **ACTION** Set up a comprehensive filing system for waste transfer notes / hazardous waste consignment notes on site by 31st January 2021 and provide evidence of compliance to your Regulation Officer.
- Reporting 4.2** You were given a Category 3 breach under this condition of your permit because you have not submitted Q1, Q2 or Q3 waste returns to NRW for 2020. To comply with your permit you must make a quarterly waste return by the end of the month following the end of each quarter. Q1 return is due by 30 April; Q2

return is due by 31 July; Q3 return is due by 31 October and Q4 return is due by 31 January. You were advised during the visit that you must make a return showing zero cars depolluted if you haven't processed any vehicles in that quarter. A category 3 breach has been awarded because this is a repeat of the breach identified in the previous inspection which took place in November 2019. **ACTION** Submit Q1, Q2, Q3 and Q4 waste returns to NRW by 31 January 2021.

Inspection Notes

At the start of the inspection CC and GC briefly met Kasir Abbas who was present on site and fetched MA to conduct the inspection. Ashrak Hussain and Usman Anwar, the designated Technically Competent Manager (TCM) for AQA Ltd, were not onsite at the time of the inspection.

It was observed that the site was well secured, with lockable gates, tall security fencing installed all around and cctv was installed.

The site was surfaced with hard standing in reasonable order with no evidence of spilled or leaking vehicle fluids. Two open black refuse sacks containing fallen leaves and litter items were observed in the rear of the yard and evidenced that steps were being taken to keep the site tidy.

Approximately 30 - 50 tyres ranging in size were stacked in the yard to the rear of the garage. The quantity of tyres on site was within the 50 tonne limit specified in Schedule 1 Operations of your waste permit. MA discussed the difficulty of arranging for the disposal of tyres and the increased cost with CC.

CC asked if we could see a complete de-pollution of a vehicle as a training exercise for GC. MA did not have a vehicle available to do this at the time of the inspection but said he would do a start to finish de-pollution on another visit if there was one available.

CC noticed that the brickwork bund surrounding the waste oil and fluids containers in the garage had been slightly damaged but didn't seem to affect its ability to contain any potential spills or leaks. MA said that the bricks had been knocked by a vehicle and agreed that the bund would be repaired.

CC asked to see where removed vehicle batteries were stored on site. MA led CC & GC up stairs to a wooden office above the garage and said there were no batteries there at the time because the pandemic had drastically reduced the number of end of life vehicles. CC advised MA that the office wasn't suitable for battery storage because there wasn't enough ventilation and it was a potential fire risk.

CC then asked MA for waste transfer notes and hazardous waste consignment notes for the collection and disposal of tyres and batteries. MA searched in the upstairs office and downstairs office for the paperwork but was unable to produce the relevant documentation. CC advised MA that this was a breach of the waste permit. CC gave further advice about retaining records on site and to keep waste transfer notes for two years and consignment notes for 3 years. MA showed CC an incomplete hazardous waste consignment note. CC advised what information was required to form a legal transfer of hazardous waste.

The inspection finished and CC and GC left the site.

Hazardous Waste Inspection:

Operator: AQA Cardiff Ltd

Hazardous Waste Registration: CAI176

Hazardous wastes that are derived as part of the depollution process undertaken on site, namely motor oils (13 02 XX) and break fluids (16 01 13*) are stored in single bunded drums that are housed within a bunded area of the workshop. This bunding is constructed of bricks and concrete which has started to deteriorate and will require maintenance for it to be effective. The oil containment barrels appeared to be in good condition. Mr Ali stated that the waste oils were collected by South Wales Oil, however there are no registered waste carriers by that name with NRW or the EA.

Oil filters are removed and drained into the oil drums on site and collected by Saftey Kleen (CBDU89939). Anti-freeze (16 01 04*) and radiator fluid (16 10 XX) are collected by South Wales Oil, who do not appear to be a registered waste carrier.

Batteries (16 06 XX) removed as part of the depollution process are not stored in a bunded container that is resistant to acid corrosion, but they are kept upstairs in the facility in a storage room. Batteries are currently disposed of by Bayliss Metals Ltd (CBDU12774).

The catalytic converters (16 01 21*) are stored securely until they are disposed of. Most recently these were sold to Bayliss Metals Ltd (CBDU12774), but the recipient changes depending on price.

All airbags (16 01 10*) are checked prior to depollution due to the danger they pose. Airbags that have not already been deployed prior to delivery are inspected and if feasible are removed for resale. Airbags that are in poor or unusable condition are discharged safely.

All municipal waste is removed from site by the staff member that generated it and it is taken home to be recycled or disposed of with their home waste.

The site is currently utilising Usman Anwal as their Technically Competent Manager.

The site has good waste segregation and labelling with no mixing between hazardous and non-hazardous wastes.

The site did not have two years' worth of hazardous waste notes to hand to be inspected. The site will need to submit their waste returns for 2020 as they have currently not submitted any. It is an offence under Regulation 35 of the Hazardous Waste (Wales) Regulations 2005 (HWR) to consign or dispose of any hazardous waste without maintaining the correct duty of care procedures. Failure to do so may result in a prosecution. Please submit all outstanding waste returns to Natural Resources Wales.

As a business and a registered waste producer you have a legal obligation (duty of care) to take all reasonable measures to ensure that your waste is disposed of properly. South Wales Oil do not appear to be a registered waste carrier. It is illegal to dispose of commercial or trade (business) waste with an unregistered carrier. Please ensure that your waste is being disposed of legally. To do this you will need to:

1. Classify your waste to check if it's hazardous. You must detail the content of any waste your business produces before you send it for recycling and disposal. The description must include:

The waste classification code.

The type of premises or business where the waste was produced (SIC Code).

The name of the substance or substances and the process that produced the waste.

A chemical and physical analysis any special problems, requirements or knowledge related to the waste may be required.

2. Separate and store hazardous waste safely. You must store waste safely and securely as follows:

Store waste in a secure place.

Use suitable containers that will stop waste escaping.

Label containers clearly with the type of waste they contain.

Use waterproof covers if rain could cause contaminated run-off or prevent the waste from being reused.

It's illegal to mix hazardous waste with either non-hazardous or another hazardous waste.

3. Use an authorised waste carrier to collect, recycle or dispose of your hazardous waste.

Ensure that your selected waste carrier is registered, and their waste sites have environmental permits. Your business is still responsible for the disposal of waste even after it has left the premises.

4. Fill in the parts of the consignment note that apply to you.

You must use consignment notes to move hazardous waste and it must stay with the hazardous waste until it reaches its final destination.

All parts must be completed, unless the waste being collected is part of a multiple consignment round. Natural Resources Wales guidance on completing Hazardous Waste Consignment Notes can be found at:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/completing-hazardous-waste-consignment-notes/?lang=en>

5. Keep records for 3 years at the premises that produced or stored the waste.

Attached with this CAR form please find a Statutory Notice formally requesting all hazardous waste notes for the period between 1st November 2017 and 1st November 2020. This notice has been served under Regulation 55 of the Hazardous Waste (Wales) Regulations. Failure to comply with this notice is an offence. This statutory notice will also be posted to you.

Craig Coleman
03000 65 4363

Craig.Coleman@cyfoethnaturiolcymru.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.

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.