Compliance Assessment Report

Report ID: CAR_NRW0033364

This form will report compliance with your permit as determined by an NRW officer					
Site	Old Barry Sidings	Permit Ref	MP3894VQ		
Operator/Permit holder	R R Davies Ltd				
Regime	Waste Operations				
Date of assessment	16/03/2018	Time in	10:30	Out	12:00
Assessment type	Site Inspection				
Parts of the permit assessed	Operational area				
Lead officer's name	Tye, Laoni				
Accompanied by	Moggridge, Lara				
Recipient's name/position	Robert Davies/ TCM and Director	Date issued	21/06/2018		

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	C3 - Suspended	C1
C4 - General Management - Storage, handling labelling and Segregation	C3	44
D2 - Incident Management - Accidents, emergency and incident planning	C3	D40

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

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

Environment officers Laoni Tye and Lara Moggridge visited site on the 16th March 2018 to conduct an inspection with focus on the Environment management system (working plan), training procedures and any associated documentation. We witnessed cars being de-polluted and spoke to site staff who were carrying out the procedure. The director and TCM , Robert Davies was on site and accompanied us for the majority of the visit. We want to thank staff for taking the time to talk to us and show us the de-pollution process. Details of the visit and a record of the actions are outlined below.

Please note that some of the actions are enforced through the Regulation 36 notice issued with this CAR form.

C2 – Management systems. Category 3 breach. **Score suspended - Regulation 36 notice in place**

Condition C1 states that 'the licence holder shall operate the facility in accordance with the working plan as approved by the Waste Regulation Authority and attached to this licence. The licence holder shall obtain approval from the Waste Regulation Authority for any proposed change in the actual conduct of the operations from the proposals approved in the working plan, as altered by any previously approved changes before the proposed change is implemented'

The working plan (EMS) is currently not sufficient for the sites activities. This was discussed with you on site during the visit which included discussions around the source pathway receptor model and the processes that are in place to mitigate against any pollution. The documents called How to comply with your environmental permit and the ELV/Scrap metal toolkit for small businesses (both provided previously) should be used to assist with the plan (EMS). I have re-attached them for your convenience.

The EMS is an integral part of the permit and it is essential to have one in place that reflects all of the site activities and details how the permit conditions are being complied with. ALL risks need to be identified and processes put in place and documented as to how these risks are managed as to not cause harm to the environment or people.

Please note that this is a request that has now been made on numerous occasions by previous as well as current officers and plenty of time has been provided to get one in place. We have received documents from you, which we acknowledge, but they are not produced in line with the guidance. We will now be setting a deadline for a sufficient plan to be completed and submitted to us which is formalised in a compliance notice.

Action: Please see Regulation 36 compliance notice.

Staff training

It was clear whilst on site that formal training on the permit conditions and relevant associated documents is not being properly provided to staff. We understand that employees have a high level of experience in dealing with the vehicles, but there appeared to be a lack of understanding in regards to the permits conditions. This is likely attributed to a lack of written procedures and therefore falls under this breach in regards to management systems . We discussed putting together a training matrix for staff to show what

training is required, when it was provided and when it is due for renewal with staff signing and dating to say that it has been received. This would be in line with current guidance.
Action: Please ensure staff are aware of the permits conditions and properly trained on the sites procedures (working plan).

We were pleased to hear that two staff members had recently received formal training on air bag deployments and were currently in the process of training up other staff involved in the de-pollution process.

Fire prevention and mitigation Plan (FPMP)
In the future it will be a requirement for all waste management sites that could pose a fire risk to have an FPMP in place. There are risks of fire associated with your sites activities and fires have been dealt with on site previously. We therefore ask that you include a FPMP as part of your EMS and written procedures. Again, all staff should be fully trained. Should any site staff be required as part of that plan to deal with a small fire and/or use fire extinguishers then formal training should be provided.

Guidance on this can be found on our website:
https://naturalresources.wales/media/682159/eng-guidance-note-16-fire-prevention-mitigation-plan.pdf

It is also enclosed for your convenience.

Action: Please address the fire risk on site and submit a document to NRW.

Oil interceptor
Although there is no evidence that the interceptor is not working effectively, it is currently not being monitored or checked and the outlet is not being inspected. Access to the outlet is difficult due to the positioning on the bank which makes this difficult. You have told us that you could arrange something to ensure this is regularly checked.
Action: Please can you come up with a plan as to how this will be managed and include it in your written EMS and submit it to us by the date specified in the notice.

C4 – Storage, handling, labelling and segregation. Category 3 breach.
Condition 44 –(1) Any site licence which authorises, at the time of coming into force of these Regulations, the keeping or treatment (or both) of a waste motor vehicle is modified so as to now include, as conditions to that licence, the provisions of Schedule 5 to these Regulations…'
Schedule 5, part 1, 2 (b)(i)(aa) states that the waste motor vehicles shall first be stripped in a way that best reduces any adverse impact on the environment, before any further treatment or other equivalent arrangement is undertaken
The de-pollution process on site requires improvement to ensure any impact on the environment is mitigated against. Whilst on site we witnessed site staff drilling holes into the various components of the engine before collecting the liquids into buckets. The buckets however were not capturing all the liquids and we witnessed numerous spillages of liquids onto the floor. Buckets were left on the floor to capture flows but unfortunately, they were not properly capturing them. Although spill kits can be used to clean up any oil contamination there is still a potential pathway for liquids to go into the on-site drainage system, which drains to the nearby watercourse.

Action: Please review and identify ways to improve the procedures to ensure that liquids do not escape during the de-pollution process. Upgrading equipment could be considered.

And

Schedule 5, part 2, 3 states that the Treatment operations for the de-pollution of a waste motor vehicle

shall consist of
e) The removal, so far as is feasible, of all components identified as containing mercury.

When asked, site staff were unaware that mercury components could be found in vehicles and did not know how this would be identified. Mercury is a highly toxic metal and can be found in light switches on cars. If it is not removed, when crushed or shredded, it can be released polluting soil and water. The root cause of this can be attributed to a lack of written procedures and staff training.

Action: Please ensure there are processes in place to identify mercury containing components.
Action: Please ensure any procedures relating to this are documented within the EMS and that staff are aware and fully trained on the procedures.

D2 – Accident, Emergency and incident planning. Category 3 breach.

Condition C9 states that yard surfaces shall be cleaned as necessary and when requested by the waste regulation authority (NRW).

And

Condition D40 states that spillages of oil or other liquids shall be cleaned up immediately. A suitable absorbent material shall be used as necessary to absorb spillages…'

We discussed oil spillages on site and that care should be taken to reduce the amount of oil on the ground. Spill kits are now on site which was good to see and evidence of their use could be seen around the de-pollution area. They should also be getting used across the rest of the site and once cleaned up should be disposed of appropriately.
We discussed that the root cause of this non-compliance was likely attributed to the fact that engines are not 'plugged' following de-pollution meaning that residual oil is able to escape. This also suggests that engines may not be getting de-polluted fully or that they are not being left to drip for long enough (should be approx. 20 minutes minimum or until the dripping has stopped). However, from what we witnessed during the visit, the lack of plugging was likely a big contributing factor.
Action: Historical contamination needs to be cleared up. Sources of oil should be identified and procedures put in place to minimise the number of spills. These procedures should be documented in the EMS.
Action: Engines should be plugged following de-pollution.

We understand that there have been a lot of improvements recently, with the impermeable surface being extended across the site and spill kits starting to be used. The WAMITAB has been completed and a version of the updating EMS has begun. We are confident that further big improvements can be made once actions are complete and the site starts operating in line with an effective environment management system. If you require further advice and guidance please get in touch with us.

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	See comments section. Regulation 36 notice in place.	01/09/2018
C4	C3	See comments section	01/09/2018
D2	C3	Clear up historical contamination, plug engines, use spill kits	01/09/2018

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.