

Compliance Assessment Report CAR_NRW0037651

Permit being assessed: CP3794FR.

For: Bagillt Car Spares, held by Michael Waugh

At: Bettisfield Colliery, Bagillt, Flintshire, CH6 6HE.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 02/02/2021.

Parts of permit assessed: Reporting and notification to NRW, Management System and Operating Procedures

NRW Lead Officer: Boguslawa Pierzchala.

Report sent to: Michael Waugh, Owner/Director on 02/03/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	Condition 4.2.2 of your permit requires you to submit within one month of the end of each quarter, a summary of waste quantities and types accepted on to and removed from site for that quarter
C2 - General Management - Management system and operating procedures	Action only (X)	

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

Total number of non-compliances recorded	Total non-compliance score
1	0.1

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
G4	Action Required: the missing annual waste returns for 2018, 2019 and 2020 must be submitted to waste.returns@cyfoethnaturiolcymru.gov.uk no later than the 16th of March 2021.	16/03/2021
C2	The FMPM submitted to NRW will be assessed and then passed to the fire service for comment. The plan should be implemented on site immediately, changes can then be made	31/03/2021

Criteria	Action needed	Complete by
	once NRW and the Fire Service have assessed the plan.	

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

Waste Return Review

A review of the waste returns submissions for permit EPR-CP3794FR has been completed.

Condition 4.2.2 of your permit requires you to submit within one month of the end of each quarter, a summary of waste quantities and types accepted on to and removed from site for that quarter.

Natural Resources Wales has not received any waste returns data for Q4 2018, Q1-4 2019 and Q1-Q4 2020.

Action Required: the missing quarterly returns for 2018, 2019 and 2020 must be submitted to waste.returns@cyfoethnatriolcymru.gov.uk no later than 16th of March 2021.

This issue was raised on previous CAR form in May 2020 with action required to submit waste returns for Q1-Q4 2018, Q1-Q4 2019 and Q1-Q2 2020 no later than the 1st of June 2020.

This has consequently been scored against your permit as a C4 breach.

The following non-compliances were also scored against the environmental permit:

C2 Management system and operating procedures - Permit Condition 1.1.1.

The current Environmental Management System (EMS), dated July 2015, does not adequately identify and minimise the risk of pollution.

It was raised during the site inspection on the 20th of March 2019 that the EMS requires updating in order to comply with condition 1.1.1. of the environmental permit.

It was also raised following the site inspection on 19th January 2017.

The current EMS does not contain any information with regards to the following: Information regarding storage of oil contaminated parts e.g. engine, gear box etc. Installation, inspection and maintenance of infrastructures e.g. hard standing areas, secondary containment, impermeable surfaces etc. Removal of oil containing parts during the de-pollution process.

C2 Management system and operating procedures - Permit Condition 3.5.1.

The site does not currently benefit from a Fire Prevention and Mitigation Plan (FPMP), this has been a requirement for the site following the NRW led variation to the environmental permit in February 2018.

This issue was raised during the inspection on the 20th of March 2019

Both permit breaches - condition 1.1.1 and 3.5.1. had an action date of 21st June 2019.

It is noted that the FPMP has not yet been assessed by NRW. This will be completed in due course.

I will contact you separately once this has been completed.

These have been consolidated into a single C3 breach against the 'C2 - Management System' section of the site permit. The above issues have been scored as "action only" against your permit.

Please make sure that the FPMP is implemented on site immediately, changes can then be made once NRW and the Fire Service have assessed the plan.

In line with NRW's approach to all operators who haven't submitted their waste returns as per their permit conditions, I will be issuing a Regulation 36 Notice for the submission of the of the missing waste returns.

Should you wish to discuss this form or your permit, please contact

Boguslaw Pierzchala,

Waste Regulation Officer

boguslaw.pierzchala@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 2012.

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.