Cyfoeth Naturiol Cymru Natural Resources Wales

# Compliance Assessment Report

**Report ID: CAR_NRW0034300**

| This form will report compliance with your permit as determined by an NRW officer | | | | | |
|---|---|---|---|---|---|
| Site | Clwyd Breakers Ltd | Permit Ref | NP3290VM | | |
| Operator/Permit holder | Clwyd Breakers Ltd | | | | |
| Regime | Waste Operations | | | | |
| Date of assessment | 23/11/2018 | Time in | 11:05 | Out | 11:55 |
| Assessment type | Site Inspection | | | | |
| Parts of the permit assessed | Permitted area A & B | | | | |
| Lead officer's name | Peel, Louise | | | | |
| Accompanied by | White, Steven | | | | |
| Recipient's name/position | Neil Bennet/Jeremy Wells/ Directors | Date issued | 30/11/2018 | | |

## 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 |
|---|---|---|
| A1 - Specified by permit | C3 | 2.4.1 |
| B3 - Infrastructure - Site drainage engineering (clean and foul) | C3 | 2.3.1 and 1.1.1 |
| B4 - Infrastructure - Containment of stored materials | C3 | 3.1.3 |
| C1 - General Management - Staff competency/training | C3 | 2.3 |
| C2 - General Management - Management system and operating procedures | C3 | 1.1.1 and 3.4.1 |
| C4 - General Management - Storage, handling labelling and Segregation | C3 | 1.1.1 |
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | C4 | 4.2.2 |

**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 | 7 | Total compliance score (see section 5 for scoring scheme) | 24.1 |
|---|---|---|---|

**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 a routine site inspection conducted by Senior Environment Officer Louise Peel and Environment Officer Steven White. The weather was overcast whilst officers were on site. Officers met Director, Jeremy Wells on site who accompanied officers throughout most of the inspection. Breaches were discussed with the operator on site.

An EPR Revocation notice is in place with the effective from date being 2nd January 2019. This means that by this date, NRW expects the waste operation under the Environmental Permit to have ceased and all waste to have been removed from site. Mr Wells confirmed that they will no longer be operating from the site from this date and that all waste operations will have ceased.

Officers also discussed NRWs invoice dated 26/4/2018 for the 2018-19 subsistence fees which the operator still needs to pay in full. An enforcement notice demanding payment of fees was sent on the operator on 4th October 2018 and expired on 16th November 2018. No payment has been received by NRW and Mr Wells claimed he had not seen the notice. Full payment of subsistence fees is still outstanding.

Photos were taken throughout the site inspection.

The general condition of the site is a concern, as there appears to be little order in the way in which waste ELVs, parts, scrap metal etc is stored for onward re-use/sale/recycling. However, compare to the last inspection on 20th September, there does appear to have been some movement of the waste car parts, engines and some vehicles have been removed from Areas A and B. There were several car parts and engine blocks stored outside the permitted areas, on the site access road. Mr Wells stated that these had been put there to facilitate onward sale and was aware that this was outside the permitted area. Mr Wells stated that he was concentrating on removing waste off site to leave before Christmas. There was no regard to the conditions of the permit whilst this was occurring. Mr Wells confirmed that they had now stopped accepting any more ELVs on to site.

There are pools of standing water all over Area B which makes the working area difficult to navigate and NRW officers were unable to access all parts of the site to carry out a thorough inspection. There are significant areas of oil surface contamination on both Areas A and B, which is a real concern to NRW. It is clear to NRW that the operator is not making any attempts to comply with the permit, and that the overall condition of the site is not improving at all.

Much of Area B was covered in standing water and other issues were noted, such as improper storage of IBCs containing oily water, oil contaminated water pooling on site and the hole in the recently installed kerbing has not been filled properly, despite some obvious attempt since the last inspection. There are obvious potential sources of pollution which NRW officers expressed concerns over and advice and guidance was given to the operator regarding how best to mitigate against these likely sources of pollution. Site operations must improve to comply with the permit and reduce the risk of pollution from the activities on site.

The non-permitted areas outside of the site, i.e. the site access road and car parking areas were a concern to NRW as waste car parts, engines were seen being stored as above, and also an IBC full of oil contaminated water was seen stored on the car parking area adjacent to Area B. At least 23 undepolluted ELVs including cars, vans and horseboxes were seen stored outside of the permitted areas. NRW officers were approached by a site operative, James Loughton who stated that all these vehicles were scrap and would be moved into Area B when there was more room.

NRW officers agreed to return to site in approximately 3 weeks to the inspect progress of waste removal from site.

All breaches of the permit are detailed below.

**BREACHES**

**A1 - Permitted Activities - Specified by Permit Condition 2.4.1 - CCS Cat 3 breach**

Condition 2.4.1 states that "The activities shall not extend beyond the site, being the land shown edged in green on the site plan attached to the permit". Upon arrival at site we immediately observed at least 23 vehicles (including cars, vans and horseboxes) parked outside the permitted area and numerous car parts and engines.

The EA position statement entitled 'when a motor vehicle is considered waste' is clear that when redundant private or commercial vehicles are taken or arranged to be taken to an Authorised Treatment Facility (ATF) permitted site, then they are regarded as hazardous waste. NRW are following the guidance within this position statement. These vehicles must be stored within the permitted area within Area B as this has the correct site infrastructure to store undepolluted vehicles. Site operative, James Loughton confirmed that these vehicles were scrap and would be moved into Area B when there was more room.

As has been stated on repeated occasions both on site and in CAR forms all waste vehicles and other wastes/car parts must be stored within the permitted boundary. A CCS Cat 3 breach has been applied.

The following photographs show ELVs and waste parts stored outside the permitted areas:













**B3 – permit 2.3.1 and 1.1.1 (EMS) Area B - recently installed kerbing along perimeter of the site (consolidated score under C4)**

The drainage hole that had been left in the kerbing along the boundary of Area B had been poorly repaired since our last inspection. A hole was still present and visible, meaning that the kerbing would not actually prevent any oil contaminated water from escaping site. This was again brought to the attention of Mr Wells. The presence of the breach in the kerbing essentially renders Area B as an unsealed surface and therefore only fully depolluted ELVs and uncontained plastic, glass, and metal waste can be stored in Area B.

This remains a concern as any run off would flow into the nearby watercourse as this has happened previously. This hole must be blocked off as a matter of urgency.

A CCS 3 score has been given and is consolidated under other breaches of permit conditions 2.3.1 and 1.1.1







**B4 - Infrastructure - Containment of Stored Materials - Condition 3.1.3 - CCS Cat 3 breach**

Permit Condition 3.1.3 states that "All liquids in containers, whose emission to water or land could cause pollution shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container" During the site inspection we observed two IBCs full of oily liquid in front of the bunded area on Area B and one IBC full of oily water stored outside the permitted area. As has been stated before all IBCs and other potentially polluting liquid containing vessels need to be stored within secondary containment. This has been brought to the attention of the operator on numerous occasions.

Several black oil spills were observed on the site surface of Area B. Mr Wells was reminded that these spills posed a risk of pollution to the environment as in the event of rain, there was nothing to stop oil flowing off site via the entrance to Area B and also via the hole in the kerbing along the perimeter of Area B. These oil spills needed to be cleaned up appropriately and any absorbents disposed of as hazardous waste.

As a result, a CCS Cat 3 score will be applied for this breach.

The following photos show an IBC outside the permitted area, 2 IBCs stored outside containment area and an example of an oil spill on the surface of Area B:









**C2 - General Management - Management System & Operating Procedures – Condition 1.1.1 and Condition 3.4.1 - CCS Cat 3 breach**

Permit condition 1.1.1 states that you must operate in accordance with your Environmental Management system. The depollution rig in Area B had the same white van on the rig as seen during the last inspection in September suggesting that depollution was no longer taking place in the designated area with proper infrastructure. This was pointed out to Mr Wells who stated they were now depolluting ELVs using the forklift to raise the cars off the ground. NRW officers could not see any suitable alternative location for depollution to occur, considering the general state of area B being practically full of cars, parts, engines and standing water. The area surrounding the oil containment bund that should be used to stored any fluids drained from the cars during depollution process was also impassable and full of cars, parts etc. ELVs must be depolluted within the designated depollution area, using appropriate infrastructure as specified 2.9 ii of the operator's Environmental Management System. A CCS breach has been applied for this non-compliance but is consolidated under breach of condition 1.1.1 in C4 below.

Permit Condition 3.4.1 of your permit states "The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance." This requirement was due on 1st November 2017. As the site is still open and continues to operate we need to ensure that the site is compliant with the permit and as a result we expect a fire prevention plan to be submitted to NRW. This was discussed with TCM Roger Hudspith on 24th May via telephone. As no fire prevention plan has been received to date, a CCS Cat 3 breach has been applied.

**C1 - Permit condition 2.3.1 and table 2.3 – CCS Cat 3 breach**

This permit condition states: *The activities shall be operated using the techniques and in the manner described in Table 2.3 below.*

*Table 2.3 Operating techniques*

*1. Fully depolluted end-of-life vehicles, uncontaminated plastic, glass and ferrous and non- ferrous metal wastes arising from the treatment of end-of-life vehicles shall be stored on hard standing or an impermeable surface with sealed drainage system. All other wastes shall be stored on an impermeable surface with sealed drainage system.''*

One car was seen on Area A with a black oil spill underneath on the site surface and an engine block was observed being stored on the site surrounded by black oil. Area A does not benefit from an impermeable surface with sealed drainage system. All ELVs stored in Area should be checked to ensure they are fully depolluted and any oil spills cleared up appropriately.

The following photos show Area A - ELV with a black oil spill underneath and an engine block surrounded by black

oil:







The root cause of this breach is likely to be staff competency and training as all site operatives should be aware that only fully depolluted ELVs can be stored in Area A. A CCS 3 breach has been applied.

**C4 - General Management - Storage, handling, labelling, segregation - Condition 1.1.1 - CCS Cat 3 breach**

Permit Condition 1.1.1 states that "The operator shall manage and operate the activities: (a) in accordance with a written management system...." Section 4 of the Environment Management System applicable on the day of the inspection (received 4/09/2017) states "All materials/components will be stored either in the depollution building within Area B or stored in designated containers pending collection". The EMS also states in Section 4 that there will be a maximum of 10 tonnes of salvaged parts stored on site for a maximum period of 2 months in area B. Although it was clear that some waste had been removed since the last inspection in Area B, there were still a large amount of oily parts and wires observed on the ground in area B and the maximum quantity of salvaged parts exceeded the 10 tonne limit

As a result a CCS Cat 3 has been applied. All effort needs to be made to ensure all the salvaged parts are stored appropriately and that no parts are left on the floor in area B.

The following photos show inappropriately stored parts in Area B:








**G4 - permit condition 4.2.2 - missing waste returns - CCS Cat 4 breach**

The annual waste returns for 2015 and 2016 have not been submitted to NRW as per the permit condition 4.2.2 despite discussions during the last site inspection. **Please submit these missing waste returns to NRW using the specified spreadsheet by 21 December 2018 via waste.returns@cyfoethnaturiolcymru.gov.uk.** The current spreadsheet can be found at this link -

https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/new-wales-operatorwaste-return-and-deadlines-for-returns/?lang=en

A CCS 4 breach has been applied for the missing waste returns.

***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.***

| Cyfoeth Naturiol Cymru Natural Resources Wales | **EPR Compliance Assessment Report** | **Report ID: CAR_NRW0034300** |
|---|---|---|

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

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|---|---|---|---|
| Site | Clwyd Breakers Ltd | Permit Ref | NP3290VM |
| Operator/Permit holder | Clwyd Breakers Ltd | Date | 23/11/2018 |

## 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 | | | |
| G4 | C4 | Ensure the missing returns are submitted by 21st December 2018 | 21/12/2018 |
| C4 | C3 | Ensure that any car parts stored within Area B are within designated containers and reduce the quantity stored on site | 24/11/2018 |
| C1 | C3 | Ensure that only fully depolluted ELVs and parts are stored within Area A and clean up any oil spills appropriately | 24/11/2018 |
| C2 | C3 | Ensure ELVs are only depolluted within designated depollution shed and that an FPMP is written in accordance with NRW | 24/11/2018 |
| B4 | C3 | Remove IBCs and dispose of oil contaminated water appropriately | 24/11/2018 |
| B3 | C3 | Repair and block up drainage hole in Area B kerbing to ensure Area B has a fully sealed drainage system | 24/11/2018 |
| A1 | C3 | Move all ELVs and other waste car parts etc to the permitted areas | 24/11/2018 |

## 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.