

Compliance Assessment Report

Report ID:
CAR_NRW0034374

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	18/12/2018	Time in	10:55	Out	11:30	
Assessment type	Site Inspection					
Parts of the permit assessed	Permitted areas A and B					
Lead officer's name	Peel, Louise					
Accompanied by	White, Steven					
Recipient's name/position	Jeremy Wells/Neil Bennett/ Directors	Date issued	20/12/2018			

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
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	6	Total compliance score (see section 5 for scoring scheme)	20.1
------------------------------------	----------	---	-------------

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 to assess the progress of site clearance to comply with the revocation notice. The weather was overcast and raining 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. Photos were taken throughout the site inspection.

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. The operator continues to make efforts to clear the waste from site to meet the revocation deadline. Area A was largely clear of waste, apart from some small stockpiles of tyres, car parts and a small number of cars. Mr Wells stated that they are likely to over run on time and would realistically be leaving site around 10th January 2019. I explained the revocation deadline is the 2nd January and that the permit will expire on this date. NRW officers will be attending site to assess the situation in the New Year.



Photos showing Area A

Area B still had a number (approx. 60) of ELVs still on site, as well as a large number of tyres and car parts. The surface of Area B was mostly covered in oil and sheening was visible as well as puddles of water containing dark, concentrated waste oil. There were oil sheen visible in the surface water run off escaping from the gated entrance from Area B and flowing into the industrial estate access road and road drain. The hole in the recently erected bund along the perimeter fence of Area B had not been fully repaired, despite requests from NRW officers and oily surface water was seen flowing off site onto the neighbouring car parking area outside the permitted area. This was brought to the attention of Mr Wells again.



Area B

The car parking areas and estate access road outside the permitted area contained ELVs. Oily sheens were visible on the car parking areas, with oily surface water flowing into the road drains. There were two IBCs containing oil contaminated water being stored on the car parking area. There were evident oil spills on the surface surrounding the IBCs. Mr Wells was requested to move these IBCs into permitted Area B as NRW officers were concerned with pollution and also the risk of vandalism/arson over the Christmas period when no-one would be on site.



Oil contaminated water flowing off site; and 2 IBCs containing oil stored outside permitted area with oil contamination of ground visible

In summary, the operator is making efforts to clear the site of waste to meet the revocation deadline, however the manner in which this is occurring is causing a risk of pollution from the site. There is no regard for the conditions within the Environmental Permit or the surrounding environment. Surface water contaminated with oil was seen flowing from all areas of the site. The operator was making no attempts to clear up the oil spills or to mitigate the risk of pollution. NRW urges the operator to have regard to the environment when clearing the 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 numerous vehicles (including cars, vans) parked outside the permitted area and numerous car parts, engines and also 2 IBCs containing oil contaminated water being stored outside the permitted area.

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. 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.



Photos showing waste ELVs, car parts stored outside the permitted area

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 has still not been fully repaired since our last inspection. A hole was still present and visible, meaning that the kerbing is not preventing 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. During the inspection, oil contaminated water was seen escaping from Area B via this hole onto the neighbouring car parking area. 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



Photos showing breach in the kerbing in Area B and oil contaminated water visible within Area B. Oil contaminated water was seen flowing off site via the hole in the kerbing.

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 two IBCs full of oily contaminated 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.



Photo showing an IBC containing oil contaminated water stored outside permitted area, open to the elements and is a risk of pollution/vandalism/arson; and a photo showing an IBC full of oil contaminated water on Area B not in secondary containment.

Mr Wells stated that he plans to have the contents of the IBCs removed when the oil interceptor will be emptied before they leave site in the new year. NRW officers requested that the two IBCs being stored outside the permitted area be moved immediately to Area B.

C2 - General Management - Management System & Operating Procedures – Condition 1.1.1(consolidated under C4 below) 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. No depollution appeared to be occurring whilst officers were on site. 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 store 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 in section 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 in place and a copy submitted NRW. As no fire prevention plan has been received to date, a CCS Cat 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.

G4 Reporting and notifications to NRW - 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 2nd January 2019 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-walesoperatorwaste-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.

--

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034374**

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	Date	18/12/2018

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			
A1	C3	Move ELVs into permitted areas	19/12/2018
B4	C3	Move the two IBCs from outside the permitted area to Area B and ensure any container containing oils is secured within secondary containment	19/12/2018
B3	C3	Repair the hole in the kerbing as a matter of urgency	19/12/2018
G4	C4	Submit waste returns by 2 January 2019	02/01/2019
C4	C3	Ensure that the EMS is followed and that car parts are stored appropriately	19/12/2018
C2	C3	Operate in accordance with your EMS and compile an FPMP in accordance with the NRW guidance	02/01/2019

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.