

Compliance Assessment Report CAR_NRW0037934

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 30/04/2021 between 11:30 and 12:40.

Parts of permit assessed: 1.1; 1.2; 2.2; Schedule 1;

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

Report sent to: Mohammed Ali, Director on 26/05/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.2 THE SITE - 2.2.1 PERMITTED ACTIVITIES - The activities shall not extend beyond the site, being the land shown edged in green on the site plan at Schedule 7 of this permit
B4 - Infrastructure - Containment of stored materials	C3 Minor	SCHEDULE 1 OPERATIONS - TABLE S1.1 ACTIVITIES - Only depolluted end of life vehicles and waste tyres are permitted to be stored outside of the building on hardstanding
C1 - General Management - Staff competency/training	C3 Minor	1.1 GENERAL MANAGEMENT 1.1.1 The Operator shall manage and operate the activities: (b) using sufficient competent persons and resources
C2 - General Management - Management system and operating procedures	C2 Significant	1 MANAGEMENT - 1.1 GENERAL MANAGEMENT - 1.1.1 The Operator shall

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		manage and operate the activities (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints.
E5 - Emissions - Waste	C2 Significant	2 OPERATIONS 2.1 PERMITTED ACTIVITIES 2.1.1 The Operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities")

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

Total number of non-compliances recorded	Total non-compliance score
5	74

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
A1	Operator must remove all vehicles, vehicle parts and wastes from the rear yard to within the green edged boundary shown at Schedule 7 of the permit. See Photos GC008 to GC012.	25/06/2021
B4	Operator is required to remove all tyres and waste from the ree and its banks and place them in appropriate containment ready for disposal or recycling. Operator to repair or replace damaged / missing boundary fencing to ensure that tyres, vehicle parts and waste remain on site and under their control at all times	25/06/2021
C1	AQA to arrange for qualified Technically Competent Manager (TCM) to oversee permitted activities and to submit evidence of their connection to AQA and their competence to comply	30/06/2021

Criteria	Action needed	Complete by
	with permit.	
C2	Operator to submit full written site management plan and environmental management plan for all activities to evidence compliance with condition 1.1.2 of your permit	30/06/2021
E5	Operator to stop all burning of waste and hazardous waste materials with immediate effect. Operator to produce detailed waste management plan showing all waste streams and their authorised disposal / recycling routes including spill containment procedures within 1 month.	25/06/2021

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 Company Director Mohammed Ali (MA) during a routine site inspection on Friday 30th April 2021. The weather conditions were dry with sunny intervals and very good visibility throughout the inspection. The site inspection was not pre-arranged. Thank you for taking the time to attend the site at short notice and explain your activities.

Breaches

Five breaches were identified during the inspection against the following conditions of your permit:

1. 1.1 General Management 1.1.1 The operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints;

Officers found evidence on site of activities and conditions which are in breach of your permit. The number and nature of these breaches indicate that your site management plan is not being followed and that proper control of activities to ensure compliance with your permit is not taking place. You were given a Category 2 breach under this condition for not operating the activities in accordance with your written management system.

2. 1.1 General Management 1.1.1 The operator shall manage and operate the activities: (b) using sufficient competent persons and resources.

During the inspection Officers were told that Usman Anwar was no longer the Technically Competent Manager (TCM) for the company. Your permit requires that there is a competent person to manage activities, at the time of the inspection a qualified TCM was not in place and you were given a Category 3 breach under this condition.

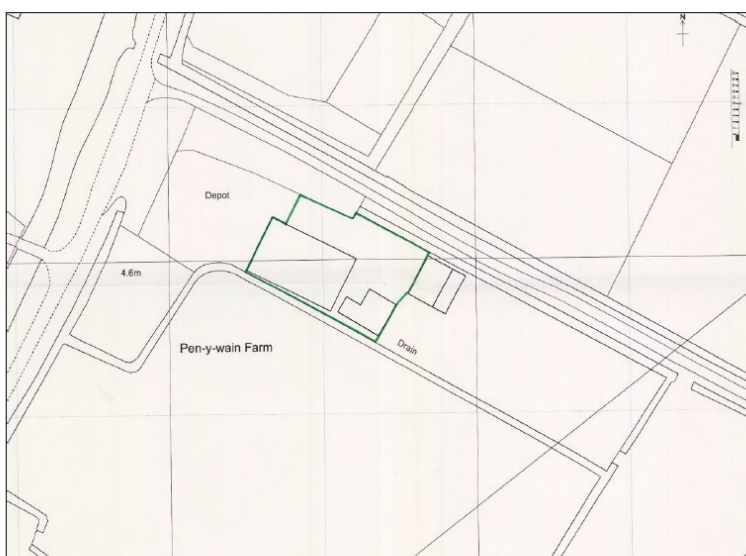
3. 2.1 Permitted Activities 2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities"). Treatment operations shall be limited to:

- depollution of waste motor vehicles; and
- sorting
- separation
- grading
- bailing
- shearing
- shearing
- compaction
- crushing and
- cutting

During the inspection Officers found that waste from your site was being burnt inside an incinerator drum at the rear of your premises. The waste being burnt included waste oil filters, which are hazardous waste, burning on the ground next to the drum. Photos GC014, GC015 and GC016 below show the waste being burnt. Burning is not a treatment operation that is specified in your permit and you have been given a Category 2 breach under this condition.

4. 2.2 The site 2.2.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 7 to this permit.

Schedule 7 - Site plan

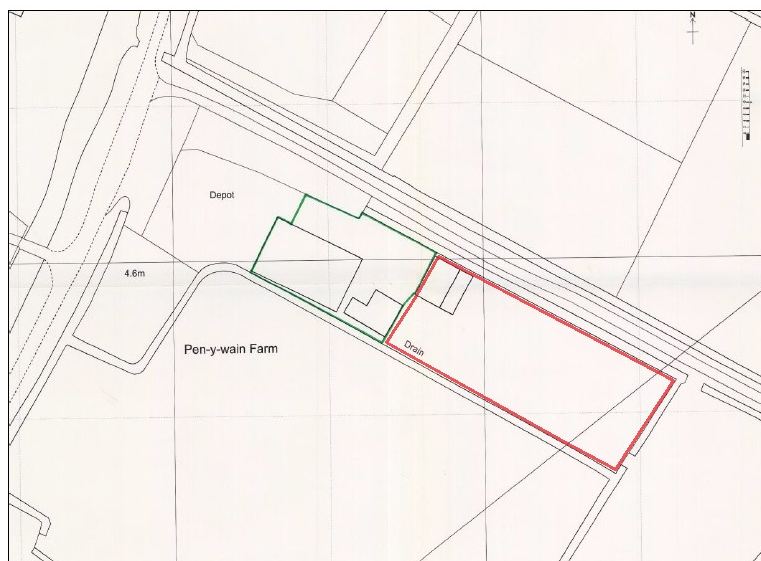


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During the inspection Officers found de-polluted vehicles, vehicle parts and other items

connected with your business were being kept in the area outlined in red in the following plan:

Schedule 7 - Site plan



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When asked about the vehicles, vehicle parts and other items you confirmed that you were operating your business in the red outlined area (shown in photos GC008 to GC013 below) with the agreement of your landlord Farid Akthar. Storing vehicles, vehicle parts or operating any of your permitted activities outside of the green edged area specified in Schedule 7 does not comply with your permit and you were given a category 3 breach under this condition.

5. Schedule 1 - Operations Table S1.1 activities - Limits of activities Only depolluted end of life vehicles and waste tyres are permitted to be stored outside of the building on hardstanding.

During the inspection Officers found that waste tyres and other car parts had spilled outside of your site both into the reën which runs to the south side of your premises. Because there was not suitable secure boundary fencing in the area of the lean to shed these items were not being stored on the hardstanding specified. Officers also found spilled oil and brake fluid which were not being treated as required by your spill procedure at the time of the inspection. You were given a Category 3 breach for this condition of your permit for wastes not being kept in accordance with Table S1.1 of your permit.

Inspection Notes

When CC and GC arrived onsite they asked the mechanics working in Marshfield Motors if they could speak to Mr Mohammed Ali (MA), Mr Qasir Abbas (QA) or the TCM Mr Usman Anwar. The mechanics explained that MA and QA were out on business about 20 minutes away and that they would phone them to ask them to come back. CC told the mechanics that Officers would start the inspection without them because both he and GC had visited previously and that they knew the site.

CC & GC walked through the Marshfield Motors garage and into the rear of the garage into AQA's section of the workshop. Two vehicles were being de-polluted at the time of the inspection. Officers walked out of the workshop into the rear yard and noticed that there were a number of engine blocks stood out under the lean-to shed on the right hand side of the yard. The engine blocks were stood in an oily puddle that was not contained or being treated with spill granules or sawdust and are pictured below:

PhotoGC001



PhotoGC002



Beyond the engine blocks the officers noted a large gap in the fence and went forward to check the site perimeter and security. A reën runs along the southerly edge of the permitted area and a number of tyres and waste had fallen through the gap in the fence and were in the reën and on its banks as pictured below:

PhotoGC003



PhotoGC004



A Bayliss Metals skip was situated in the yard, to the front of the skip Officers observed a puddle of brake fluid which was not being treated with spill granules or sawdust as shown in the photos below:

PhotoGC005



PhotoGC006



PhotoGC007



Officers noticed that the gates at the rear of the yard were propped open and that there were many vehicles stored there along with a large quantity of waste materials and walked into this extension of the yard for a closer look. The waste comprised of construction type materials - broken brick, wall panels, stone, broken tiles, uPVC window frames along with household type items such as plastics, containers and a mattress plus commercial source items including as piping and IBCs. Interspersed with the waste were car parts and a open metal container containing waste oil. Photos of the waste and cars in the rear yard are pictured below:

PhotoGC008



PhotoGC009



PhotoGC010



PhotoGC011



PhotoGC012



PhotoGC013



While looking at the cars and waste in the rear yard Officers smelt smoke and located a fire in a metal drum next to the fence behind the piles of waste and cars. The smoke coming from the metal drum was black and acrid and there was an oil filter in flames on the floor next to the drum. The fire drum is pictured below:

PhotoGC014



PhotoGC015



PhotoGC016



Shortly after the fire was discovered Mr Muhammad Ali (MA) returned to the site and Officers were able to ask him about site activities. Firstly MA was asked if he was aware of the fire to which he replied he was not and that he thought it might have been started by his staff who had newly started with his company. CC asked him to douse the fire and MA instructed staff to do this. Officers witnessed the fire being extinguished with a watering can of water.

Officers asked about the cars and the waste that were being kept in the rear yard and MA replied that the cars belonged to AQA and the waste had been put there by the landowner Mr Farid Akthar. MA explained that the waste came from the demolition of some offices and workshops on site arranged by Mr Akthar.

CC gave a recap of events since the previous inspection which took place on 19th November 2020 where the quarterly waste returns and hazardous waste returns had been

requested on the CAR form. CC explained that he had chased up the site TCM Mr Usman Anwar who had agreed to send in the returns and hazardous waste notes but had not done so and CC said that Mr Anwar had stopped accepting CCs phone calls.

CC explained that the failure submit returns and to comply with the Regulation 55 notice issued on December 22 2020 would lead to proceedings to issue a £300 Fixed Penalty Notice to AQA. This Fixed Penalty Notice does not absolve the operator of their responsibility to produce the required Duty of Care Hazardous Waste Notes, or their obligation to submit their Annual Hazardous Waste Returns for 2020. Failure to do so may result in prosecution.

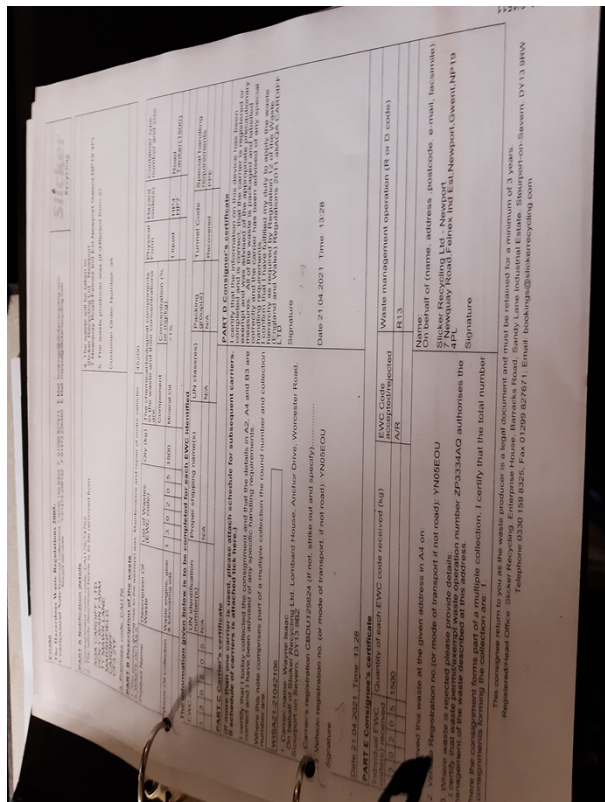
MA said that Mr Anwar was no longer the TCM for AQA and he was currently doing the WAMITAB competence training required for him to become the TCM. He expected that he would be qualified in two months.

MA asked for an explanation of how the hazardous waste consignment notes worked and CC filled out an example note for him explaining how the notes should be in triplicate with AQA completing Part A (including their hazardous waste registration number) and Part B, Part C to be completed by the driver collecting the waste and Part D by the site where the waste was treated or disposed. CC explained that AQA should retain the top copy for their records and the waste company driver should take away the second and third copies. CC explained that AQA should match their top copy with Part E information when it is returned by the treatment or disposal company and retain it for their records.

CC asked about the hazardous waste being produced by Marshfield Motors in the front section of the garage and MA said that it was being brought through into AQA to be disposed of with their hazardous waste. CC said he would clarify whether Marshfield Motors should have their own separate hazardous waste registration and if Marshfield Motors should be issuing Hazardous Waste consignment notes when sending waste into AQA.

CC asked to see hazardous waste transfer notes for recent activities and MA produced two files which contained a few transfer notes. Photos of two of the waste notes were taken as follows:

PhotoGC017



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1. The oil spilled around the engine blocks and the brake fluid spilled by the skip were to be urgently treated with spill granules and swept up for correct disposal with hazardous waste
2. The tyres and waste that were in the reën and along its banks should be removed and stored / disposed of correctly on site
3. The fence alongside the reën to be replace as soon as possible to prevent further waste escaping from site
4. AQA to submit hazardous waste returns and quarterly waste returns within the next two weeks

Officers left the site at 12:40.

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.