

## Compliance Assessment Report CAR\_NRW0038227

**Permit being assessed:** WP3498FW.

For: Jab 93, held by Joyce Thomas

At: Brackla Ind Est, Bridgend, Glamorgan, CF31 2AJ.

**Type of assessment carried out:** Site Inspection, Reason: Routine.

On 15/04/2021 between 11:00 and 11:30.

Parts of permit assessed: 2.2; 3.1; 4.1.1; 5.1.1; 5.3; 8

**NRW Lead Officer:** Gillian Coates, accompanied by Yeliz Marshall.

**Report sent to:** MERVYN THOMAS, related to Permit Holder JOYCE THOMAS on 10/06/2021.

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

| Part of permitted activity assessed (criteria)                                                                 | Assessment result | Permit condition                                                                                                                                                                       |
|----------------------------------------------------------------------------------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| B3 - Infrastructure - Site drainage engineering (clean and foul)                                               | C3 Minor          | Table 3.1 SITE CONTAINMENT & DRAINAGE STANDARDS - a) HARDSTANDING i) shall remain even v) shall remain free of standing water                                                          |
| D1 - Incident Management - Site security                                                                       | C3 Minor          | 4.1.1 SITE SECURITY - All reasonable precautions must be taken to ensure that the site shall be secure and that no waste may escape from it                                            |
| G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events        | C3 Minor          | 6.2 SITE DIARY entries relative to Table 3.1 c )Sealed drainage systems - i) shall be inspected daily ii) inspections and emptying of sealed sumps shall be recorded in the site diary |
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | Action only (X)   |                                                                                                                                                                                        |
| C4 - General Management - Storage,                                                                             | Action only (X)   |                                                                                                                                                                                        |

| Part of permitted activity assessed (criteria)                       | Assessment result | Permit condition |
|----------------------------------------------------------------------|-------------------|------------------|
| handling labelling and Segregation                                   |                   |                  |
| 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 |
|------------------------------------------|----------------------------|
| 3                                        | 12                         |

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 |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| B3       | Repair site surface to restore even ground to prevent water puddling and potential site runoff                                                                                                                                                                                                                                                                | 23/07/2021  |
| D1       | Repair walls and gates to perimeter of site to prevent exit of waste and runoff                                                                                                                                                                                                                                                                               | 23/07/2021  |
| G2       | Remove all materials and vehicles stored over the interceptor areas to allow daily inspections of interceptors as required by permit.<br>Site inspections to be undertaken in accordance with activities and frequency specified in permit and recorded in site diary                                                                                         | 25/06/2021  |
| G4       | Submit paperwork concerning emptying of interceptors on 02/04/21 as discussed between Diane Carr and Hannah Goddard - Anna Wilmshurst on 31/03/21<br>Submit paperwork concerning Pureclean empty of waste oil, brake fluid, filters and anti-freeze that took place on 13/04/21 as discussed between Mervyn Thomas and Officers during inspection of 15/04/21 | 25/06/2021  |
| C4       | Ensure mattress and other items of non permit specified waste are placed into quarantine area and removed within deadline specified in permit Table 5.3                                                                                                                                                                                                       | 25/06/2021  |
| C2       | Leaflets displayed in reception site saying Jab 93 want all types of scrap metal. Reminder that site permit only provides for metals and materials resulting from dismantled vehicles.                                                                                                                                                                        | 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.

**At this time, we do not intend to take any further action.**

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

## 4. Details of our assessment

### Introduction

Waste Regulation Officers Gillian Coates (GC) and Yeliz Marshall (YM) met with Mervyn Thomas (MT) during a routine site inspection on Thursday 15th April 2021. The weather conditions were dry and sunny with very good visibility throughout the inspection. The site inspection was not pre-arranged. Thank you for taking the time to conduct the visit and explain your activities.

### Breaches

Three breaches were identified during the inspection:

#### **BREACH1. B3 Site drainage engineering - Cat 3; Permit condition Table 3.1 Site containment and drainage standards**

You were given a Category 3 breach under this condition of your permit because during the inspection Officers observed that the ground surface towards the rear of the yard was deteriorated and was uneven and rutted which would allow pooling of water.



Table 3.1 Site Containment and Drainage Standards of your permit requires that:

*a) Hardstanding - Areas of hardstanding shall be constructed of granular material (e.g. crushed stone, aggregate, road planings, or other similar material) and maintained such that the working surface:*

- i) shall remain even*
- ii) shall not be subject to settlement or differential settlement*
- iii) shall not be subject to rutting by vehicles even when wet*
- iv) shall have sufficient durability to allow cleaning for example by scraping*
- v) shall remain free of standing water*

To comply with your permit you are required to repair the hardstanding to restore an even surface which will prevent the pooling of water by 23/07/2021.

**BREACH 2. D1 Security - Cat 3; Permit Condition 4.1.1 Site security**

You were given a category 3 breach under the condition 4.1.1 of your permit which states:

*All reasonable precautions must be taken to ensure that the site shall be secure and that no waste may escape from it*

This is because Officers observed that there were substantial gaps in the perimeter fencing and gates that would allow persons to access your site and for waste to spill out from it. Please see following photographs:



To comply with your permit you are required to repair or replace the gates / fencing to ensure site security by 23/07/2021.

**BREACH 3. G2 Records of activity, site diary/journal/events - Cat.3; Permit**

**condition Table 3.1 (c) i) and ii)**

Condition 6.2.1 of your permit requires that:

*A site diary shall be kept secure and shall be available for inspection at the site when required by an authorised officer of the Agency.*

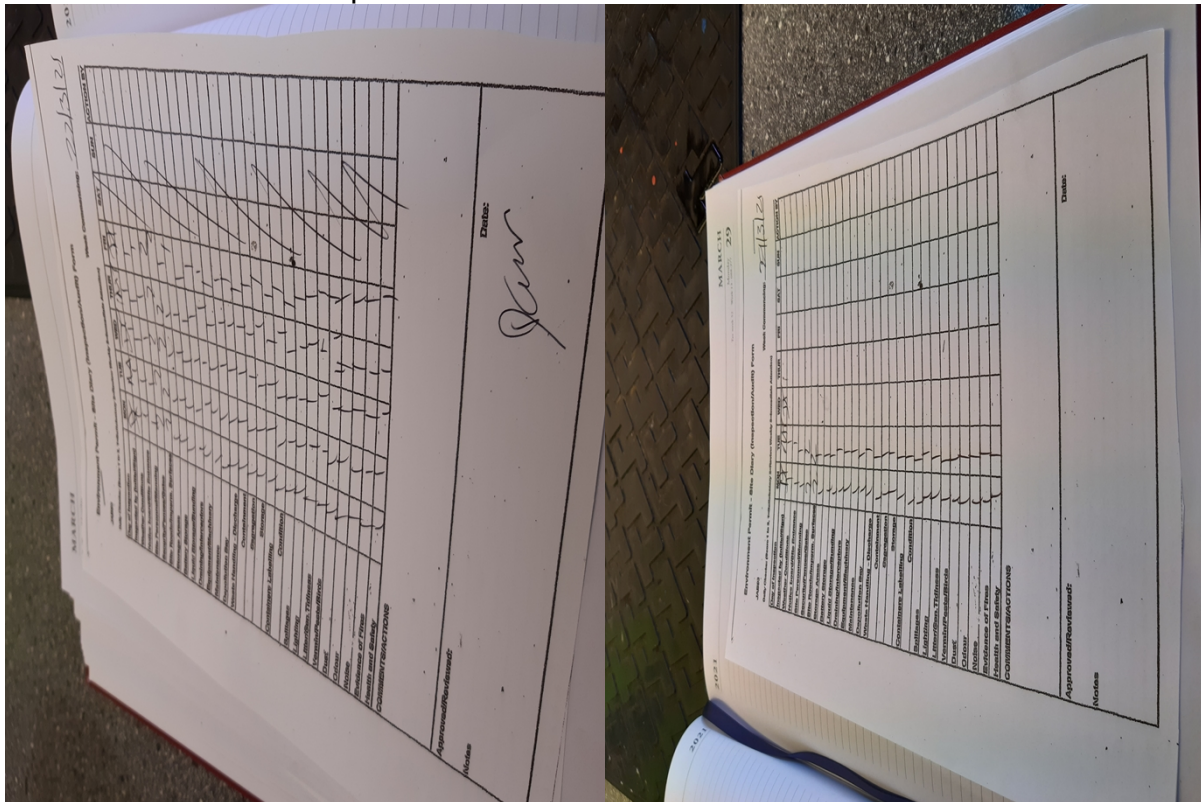
Condition Table 3.1 c) i) requires that:

*Sealed sumps shall be inspected no less frequently than daily and after rain, emptied when the collected liquids reach 80% of the capacity of the sump as measured using a dipstick or equivalent gauge, and constructed and maintained so as to collect and contain all liquids which run off the pavement;*

c) ii) requires that

*Inspections and emptying of sealed sumps shall be recorded in the site diary*

During the inspection officers asked to inspect the site diary and observed that the two most recent diary entries took place for the weeks commencing 22nd March 2021 and 29th of March 2021 see photos below:



Officers observed that there were no records of daily inspections of the sealed sumps made between 31st March and 14th April and that the interceptor area was not accessible due to the a vehicle on a hydraulic lift and a number of car parts. You were given a Category 3 breach under Table 3.1 c) ii) condition of your permit for not recording inspections of the sealed sump areas in accordance with permitted frequencies and for not having interceptors readily available for permitted daily inspections.

**ACTIONS**

- 1. Repair site surface to restore even ground to prevent water puddling and potential site runoff by 23RD JULY 2021**
- 2. Repair or replace perimeter fencing and gates to ensure site security by 23RD JULY 2021**
- 3. Ensure the area where the interceptors are located is kept free of materials to provide access for daily inspections. Ensure that site inspections take place in accordance with frequencies required in the permit and are recorded in the site diary by 25TH JUNE 2021**
- 4. Submit paperwork for emptying of interceptors that took place on 2/4/21 by 25TH JUNE 2021**
- 5. Submit waste transfer notes for hazardous waste collections that took place on 13/4/21 by 25TH JUNE 2021**

### **Inspection Notes**

Officers attended the site and asked to meet with the permit holder Joyce Thomas, they were told that she was not on the site that day and that MT, her son, would conduct the inspection.

The first area looked at was the interceptor area, which was located near to the waste bins. It was not accessible at the time of the visit due to a vehicle being located on hydraulic ramps and numerous items of scrap vehicle and vehicle parts in the vicinity. MT explained that the interceptors were of a design that had been approved by NRW at the time the permit was granted and that the NRW Officers that visited the site recently were satisfied with them. Officers asked when they had last been emptied and MT replied that Pureclean had serviced the site on the Tuesday prior to the inspection (13/4) and had taken waste oil, brake fluid, filters and anti-freeze. When asked for the paperwork for the emptying he said that it was not in the office at the moment and Officers mentioned that it would be requested in the CAR form.

Officers next went inside the garage area to inspect the hazardous waste fluids storage area. Access was impeded by the amount of scrap vehicle parts in the area around the storage area however the bund appeared to be intact and of suitable construction as in the photo below:



Along the eastern side of the yard was a pile of vehicle parts and a mattress. Officers advised MT that the mattress and any other waste not derived from a dismantled vehicle should be segregated and kept separately before being disposed of.

While in the reception Officers noticed the leaflets on display and noted that they said that Jab 93 would buy all types of scrap metal which would be a breach of the site permit which provides only for the recovery and storage of materials derived from the dismantling of vehicles. Photos of the leaflet shown below:





### Notes from Incident Response visit on 31st March 2021

Site attended at 12.30pm by NRW Officers Hannah Goddard and Anna Wilmshurst who were responding to an incident of used engine oil pollution downstream on the Morfa Brook.

Officers met with DIANE CARR the TCM who showed the following paperwork for the site:

- WAMITAB for Diane Carr dated 07.10.2020 and valid until 07.10.2022
- Hazardous Waste Registration (05.03.2021 to 04.03.2022)
- Site Plan
- Paperwork for interceptor installation and type(s)
- Consignment Note for last oil removal (1200L Mineral Oil on 07.09.2020 & 1000L Interceptor Sludges on 12.07.2017))
- Consignment Notes for oil fluid, Antifreeze and Brake Fluid (09.02.2021, 19.10.2020)

Officers were not able to inspect the interceptors on site because they were not accessible.

Officers were advised that the interceptors were planned for an emptying on Friday 2nd April 2021 and that the paperwork for this service would be sent in for their attention.

If you require any clarification regarding this report please contact Gillian Coates on [gillian.coates@cyfoethnaturiolcymru.gov.uk](mailto:gillian.coates@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*

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](mailto: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](mailto: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.