

Compliance Assessment Report CAR_NRW0038974

Permit being assessed: RP3394FS.

For: Arch Motors, held by Thomas Arthur Roberts

At: Llandudno, Conwy, LL30 1LF.

Type of assessment carried out: Audit, Reason: Routine.

On 13/10/2021 between 10:10 and 11:40.

Parts of permit assessed: see below

NRW Lead Officer: Donna Muirhead, accompanied by Daniel Grant.

Report sent to: Mr Arthur Roberts, Site Owner/ TCM on 25/11/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
D1 - Incident Management - Site security	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
F5 - Amenity - Deposits on road	Assessed (A)	
A1 - Specified by permit	C3 Minor	2.2.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2

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

Total number of non-compliances recorded	Total non-compliance score
2	4.1

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
A1	Batteries shall be stored in designated covered and bunded containers.	13/12/2021
G4	Submit waste returns	13/12/2021

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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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**Re: End of Life Vehicle (ELV) Hazardous Waste Audit.**

This was an announced visit carried out on Wednesday 13 October 2021 by Natural Resources Wales officers Daniel Grant (Hazardous Waste Regulation Officer) and Donna Muirhead (Waste Regulation Officer).

The purpose of the visit was to undertake a Hazardous Waste Audit to assess for compliance against the Hazardous Waste Regulations (Wales) 2005.

Officers were accompanied around the site by Arthur Roberts (Site TCM).

Weather conditions throughout the audit were overcast but dry.

ELV Depollution area and site drainage

Depollution of all ELV's occurs on an impermeable surface (concrete pad) outside without a roof (Figure 1). Due to the lack of a roof over the depollution bay there is the potential for a lot of wastewater to be produced at any one time here. The wastewater produced is then discharged down the manhole located in the centre of the depollution bay. This wastewater will contain residual oils and other contaminants produced as a result of the depollution activity.

During the audit it was explained by Mr Roberts that any oil that floats to the top of the drain is collected and placed in the waste oil tank (Figure 2) and the wastewater that discharges down the drain is connected to foul sewer.

Following the audit, we checked with Dwr Cymru/ Welsh Water (DCWW) whether Arch Motors have a trade effluent consent in place to carry out this activity. DCWW confirmed that no trade effluent consent is registered at Arch Motors. We are currently trying to organise a follow up visit between all three parties (Arch Motors, DCWW and NRW) to confirm how you can achieve compliance with the following condition of your permit:

Condition 2.1 - The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities"):

Table S1.1- All wastes shall be treated on an impermeable surface with sealed drainage via an oil interceptor prior to being discharged to foul sewer.



Figure 1. Depollution bay where ELV's are depolluted.

Hazardous waste liquids

All Hazardous waste liquids that are derived as part of the depollution process undertaken at Arch Motors are stored in a double bunded containment unit (Figure 2). The Hazardous waste liquids stored included motor oils (13 02 XX*) and break fluids (16 01 13*). It was noted that the outer most bund around the tank included various items such as buckets. Because of this, the capacity of the bund is reduced which could ultimately increase the risk of pollution.

Waste motor oils are removed from site by Oil Recoveries who hold a valid waste carrier licence for this activity (CBDU95734). The last removal of waste oil was 14 July 2021

Other hazardous waste liquids derived from ELV's are used fully on site- these include Antifreeze, coolant liquids (16 10 XX) and mixed fuels (13 07 XX). Fuels are filtered on site using a fuel polishing unit (Figure 3) by Arch Motors for re-use in their own vehicles.

ACTION- Please ensure that the bund is not used for storage purposes and is kept clear of any items or debris.



Figure 2. Double bunded waste oil tank containing some items inside the bund.



Figure 3. Fuel polishing unit used for the re-use of fuels on site.

Waste Batteries

The storage of batteries (16 06 XX *) removed as part of the depollution process was varied on site. Some batteries were in an acid proof container; however, they did not benefit from a cover of any sort (Figure 4). Another set of waste batteries were stored in a container that

was not banded and without a cover (Figure 5). Lastly, some batteries were left outside without any container or cover whatsoever (Figure 4).

These findings are non-complaint with the following condition:

Condition 2.1.1- The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”).

Table S1.1 of your permit states “Batteries shall be stored in designated covered and banded containers”.

All waste batteries stored on site were non-compliant with this condition. . As a result of not complying with the above condition a CCS Cat 3 breach has been applied.

Mr Roberts explained that he will order some new containers to rectify this situation and that this would be done soon.

ACTION- All waste batteries on site must be stored appropriately in line with condition 2.2.1. Table S1.1

Deadline- 13 December 2021



Figure 4. Waste batteries stored in an acid proof banded container without a cover and with some batteries stored on the floor without any container or cover.



Figure 5. Waste batteries stored in an unsuitable container that is not acid-proof, not bunded nor has any cover.

Batteries are removed from site and taken to European Metal Recycling (EMR) Ltd, Salford who hold an environmental permit (EP3198CN/V004). The last removal of waste batteries was 09 September 2021.

Catalytic Converters

Catalytic converters (16 01 21 *) that are produced from the ELV depollution process are stored within a locked container. These are collected by MetCat Ltd, Wolverhampton, WV1 2RT who are registered as a waste carrier (CBDU169844) and hold a valid environmental permit to accept this waste (CB3407HK/V003). The last removal of catalytic converters from Arch Motors was 01 October 2021.

Airbags

All airbags (16 01 10*) are checked prior to depollution due to the danger they possess, any which remain armed are removed and discharged in a secure manner using specialist equipment (Figure 6) within the depollution bay.

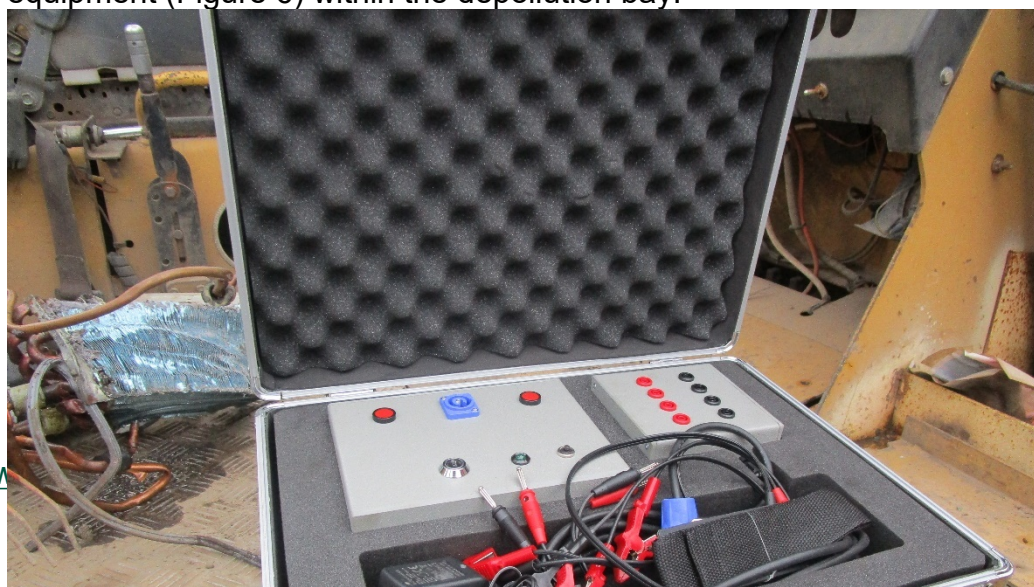


Figure 6. Air bag detonator stored in the depollution bay for use.

Waste Tyres

Waste tyres (16 01 03) that are generated as a result of the activities on site are stored in skips (Figure 7). Some tyres that were recently removed were stored in the depollution bay; it was advised that these should not be stored in the depollution bay due to the fire risk they pose (Figure 8). Waste tyres are removed from site and taken to Big Atom, Ellesmere Port, CH65 4EN who hold a valid environmental permit for the acceptance of this waste (GB3601GL/S003) and a valid waste carrier licence (CBDU254666).

ACTION – Please ensure all tyres are removed from the depollution bay and stored appropriately in designated skips.



Figure 7. Waste tyres stored in skips away from depollution bay



Figure 8. Waste tyres stored in the depollution bay

Overall, the site has good waste segregation with no apparent mixing between hazardous and non-hazardous waste types. The only issue concerning the mixing of hazardous and non-hazardous waste is related to the site's current practice of inserting emptied oil filters back into the ELV after depollution.

Oil Filters

During the site visit it was identified that Oil filters (160107*) are removed and emptied of their contents. All waste oil collected is placed in the waste oil container for storage. Oil filters are then inserted back into the same vehicle prior to crushing. Mr Roberts explained that the crushing process is all contained in the crusher machine they use (Figure 9) and any residual oil still in the oil filter is squeezed out, drained and captured by the container connected to the end of the machine (Figure 10).



Figure 9. Vehicle crusher used to crush ELVs with Oil filters still inserted.



Figure 10. Container connected to external piping that collects waste oil produced from the crushing process.

At the time, officers explained they would check this up internally. Since the visit this has been discussed internally with senior officers and sector leads. This process of leaving oil filters inside the vehicle during the crushing process is non-compliant with the following:

Article 6) 3) b - End-of-Life Vehicles Directive (2000/53/EC)

Hazardous materials and components shall be removed and segregated in a selective way so as not to contaminate subsequent shredder waste from end-of life vehicles

As was discussed on site it is possible to place oil filters back into ELV's as non-hazardous waste prior to crushing. However, in order to do this, a certain set of criteria's must be met, as per the End of life Vehicle directive;

- A specialist piece of equipment must be used to crush the oil filters that has been designed for that specific purpose (the crusher on site is designed for the specific purpose of crushing vehicles and not oil filters).
- The specialist piece of equipment must be used in accordance with the manufacturer's instructions.
- The process of crushing must be carried out by an operative who is suitably trained and competent to do so.
- The operative must assess each process individually to ascertain that all oil has been effectively removed from the oil filter.

Only after meeting the above criteria are oil filters considered non-hazardous and therefore suitable to be inserted back into the depolluted ELV.

Alternatively, if the above criteria cannot be met you can remove the oil filter, empty its contents and store them in a suitable container prior to disposal as hazardous waste to an authorised facility. It is likely that Oil Recoveries will collect the oil filters at the same time they collect your waste oil, therefore, you might consider this as a viable option moving forward.

Action- update us on what steps you will take next to ensure compliance with this matter

Deadline- 6 December 2021

Hazardous Waste consignee returns

Arch Motors have not submitted Consignee returns in the past. The only form of hazardous waste Arch Motors is permitted to accept is un-depolluted ELV's. Please read the below advice and guidance on this matter and take action to ensure that you are compliant with:

Regulation 53 of the Hazardous Waste Regulations 2005- *Every consignee must make a return, in these Regulations referred to as a consignee quarterly return, to the Agency of information relating to all consignments of hazardous waste received by him or her in any quarter*

Hazardous waste consignee returns are required to inform Natural Resources Wales (NRW) about the hazardous waste consignments that have been received, removed or disposed of at a site.

If hazardous waste has been received, stored or disposed of at your site, you are legally required to submit a consignee return to NRW documenting your activities (receipt, removal, disposal of hazardous waste).

If a householder decides to dispose their car and drives the unwanted car to your site, it is waste and classed as hazardous waste. The householder is not required to produce a hazardous waste consignment note for the journey from their home to your site and you do not have to provide NRW with a consignee return. This is because domestic waste is exempt

from the regulations.

However, if you accept commercial hazardous waste this is not exempt from the regulations. For example, if a commercial vehicle operator, such as a bus or coach company, car hire business or freight business, decides to dispose of their vehicle, it is classed as hazardous waste. These vehicles are not domestic waste produced at domestic premises, so a consignment note is needed for the journey from the vehicle operator to your site. The same would also apply to a domestic vehicle that might come from another business such as a garage or another transfer station. You must then provide NRW with consignee returns of this acceptance.

Consignee returns must be submitted for each three-month period:

Quarter 1: Jan – Mar,

Quarter 2: Apr – Jun,

Quarter 3: Jul – Sep,

Quarter 4: Oct – Dec.

The return must be submitted within one month of the end of that specific quarter.

Further details regarding consignee returns including detailed guidance and the submission requirements can be found upon our website:

<https://naturalresourceswales.gov.uk/guidance-and-advice/environmental-topics/waste-management/submit-your-hazardous-waste-return/?lang=en>

Furthermore, if you remove and transport any hazardous waste from your site to another permitted facility please ensure this movement is accompanied by a hazardous waste consignment note. As the producer and carrier of the hazardous waste you would be expected to fill in Part A, B, C and D. Part E would be completed by the site accepting the hazardous waste and they are expected to return a receipt of the completed consignment note to you.

Further information on filling a consignment note can be found on our website here:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/completing-hazardous-waste-consignment-notes/?lang=en>

Hazardous waste Producer registration

- Arch Motors were not registered as a hazardous waste producer at the time of the audit. This is non-compliant with the following:

Hazardous Waste Regulations (Wales) 2005, regulation 21.

Where hazardous waste is produced at, or removed from, any premises other than exempt premises, the premises must be notified to the Agency.

The previous registration (CAH319) expired in 2017. In Wales, if you produce, store or hold 500kg or more of hazardous waste in any 12-month period then you are required to register that premise with us.

A link to register/ renew can be found under “How to register” in the following webpage:
<https://naturalresources.wales/permits-and-permissions/waste-permitting/register-or-renew-as-a-hazardous-waste-producer/?lang=en>

ACTION- Register as a hazardous waste producer

DEADLINE- 2 weeks upon receipt of this report

Consignment notes (CNs):

A sample (3) of hazardous waste consignment notes were inspected during the audit. These CNs were for hazardous waste being removed from Arch Motors. These CNs will be attached to this report for your attention.

Some non-compliances were noted in these CNs, these are summarised below:

1. Hazardous Waste Consignment Note Part A

This section provides detail of where the hazardous waste has been produced. This section should be filled in by the producer of the waste (Arch Motors in this case)

Regulation 33 of the Hazardous Waste Regulation (Wales) 2005 outlines the requirement to fill in consignment note codes to the standard that NRW expect. All CNs that were reviewed did not adhere with this requirement. For example, two CNs had the following consignment note code- “ARCHMO” and another did not have a code.

Upon registering your site as a hazardous waste producer, you will receive a premises code. This premises code is the one that must be recorded as your consignment note code in any CN you complete for waste leaving your site. This code should be followed by six letters or numbers that make the consignment note number unique.

Furthermore, some consignment notes were missing a full address and contact details (e-mail or telephone) under A.2 and/ or A.3 in this section. All these details should be recorded as is detailed in the CN so that all parties involved are clearly identifiable.

2. Hazardous Waste Consignment Note Part B

This section describes in detail the type and amount of waste that has been produced for collection. This section should be filled in by the producer of the waste (Arch Motors in this case).

The first section – “1. The process giving rise to the waste was” should include a fully written description of the production process that created the waste. This section was not filled in accurately enough or not at all.

The specific Standard Industrial Classification (SIC) code must be recorded under “SIC (2007) for the process giving rise to the waste”. An accurate SIC code was correctly

applied (38.12) in one of your CNs, however, the SIC code was absent in one CN and inaccurate in another CN.

“Loose” was recorded under the “Container type, number and size section” in one CN that we reviewed. We expect a more accurate description of the type and number of containers used in the “Container type, number and size section”.

For example, ‘three 45-gallon drums’, or ‘two 1,000 litre IBCs’ is the type of container description we expect to see.

The “component” and “concentration” sections were not filled in for one CN that we reviewed. Including details of the chemical or biological parts of the waste, and their concentrations is important to help carriers, consignees or other people understand what is in each hazardous waste.

There is a separate section in Part B for further details to comply with The Carriage of Dangerous Goods. While NRW are not the regulators for this legislation further information on the carriage of dangerous goods can be found on the Health and Safety Executive website if required. <https://www.hse.gov.uk/cdg/>.

3. Hazardous Waste Consignment Note Part C

No issues were noted in this section for two CNs that were reviewed. However, no attempt was made to complete Part C (except for the date) for the other CN that was reviewed.

As per Regulation 36 of the Hazardous Waste Regulations (Wales) 2005 the carrier must complete Part C.

4. Hazardous Waste Consignment Note Part D

This is the consignor’s declaration which must be completed by the consignor, which is the person that causes the hazardous waste to be removed from a site (Arch Motors in this case).

By signing it you are saying:

- The information in Parts A, B and C of the consignment note is complete and correct.
- You have checked the carrier is registered or exempt.
- The waste packaging and labelling is correct.
- You have told the carrier if the waste needs special handling.
- You are taking all reasonable steps to apply the ‘waste hierarchy’.

The following information was missing in some of the CNS that were reviewed:

- The consignor name
- Business address and contact details
- Time

These details must be recorded in full here so that the consignor can be clearly identified and to allow us to assess the trail of the hazardous waste from cradle to grave.

5. Hazardous Waste Consignment Note Part E

This section was incomplete by the consignee on two of the CNs that were reviewed. The Consignee must send you a copy of a fully completed consignment note within one month of the end of the quarter in which the waste concerned was accepted at their facility.

Waste Returns

Our records show that you have not submitted returns for several years.

As a result of this noncompliance, you have been scored accordingly.

Action: You are required to submit any outstanding waste for 2019/20/21 by 13 December 20th December and put in place procedures to ensure that all future returns are completed and submitted in time.

Please be aware that if no waste has been accepted during a quarter you are still required to submit a NIL return.

The required timescales for submissions are below:

Quarterly Returns Period Return Submission Deadline

Q1 (1st January to 31st March) = 30th April

Q2 (1st April to 30th June) = 31st July

Q3 - (1st July to 30th September) = 31st October

Q4 - (1st October to 31st December) = 31st January

Failure to meet future return deadlines may result in escalation of our scoring category for such a breach and may also result in further action.

I have sent you the link for the electronic returns also the sent a copy of the manual hard copy so that you can send it in via post

Please ensure all actions are met by the deadlines specified. If you have any issues meeting these deadlines you should let us know as soon as possible. Should any of these non-compliances mentioned in this report persist Natural Resources Wales may need to take further enforcement action.

Thank you for your time during the audit. If you have any further questions about the contents

of this audit report or any aspect of hazardous waste in general, please do not hesitate to contact me.

Yours sincerely

Daniel Grant

Hazardous Waste Regulation Officer

E-mail: daniel.grant@naturalresourceswales.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 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.