

## Compliance Assessment Report

Report ID:  
CAR\_NRW0034098

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

Site	Abba Scrap	Permit Ref	DP3299FD		
Operator/Permit holder	Alan Humphries & Colin David Jenkins				
Regime	Waste Operations				
Date of assessment	17/10/2018	Time in	11:00	Out	11:30
Assessment type	Site Inspection				
Parts of the permit assessed	Assessed part of permit				
Lead officer's name	Coleman, Craig				
Accompanied by	Peppicelli, Claudia				
Recipient's name/position	Alan Humphries/ Operator	Date issued	26/10/2018		

### 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	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	Permit Condition 3.1.2
C2 - General Management - Management system and operating procedures	C3	Permit Condition 3.1.2
C3 - General Management - Materials acceptance	A	
D1 - Incident Management - Site security	C3	Permit Condition 4.2.1

**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	3	Total compliance score (see section 5 for scoring scheme)	12
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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

### ABBA Scrap – Dowlais (SP3395FU) – 18/10/2018

Environment officers Craig Coleman and Claudia Peppichelli attended ABBA Scrap End of Life Vehicle depollution facility in Dowlais, Merthyr Tydfil County Borough Council, on 17/10/2018. A routine site inspection was conducted assessing the condition of the facility, the amount of ELV's, tyres, sother waste material stored on site; and general infrastructure of the site.

#### (A1) Specified by permit

The permit dictates that the site shall not exceed 300t of scrap vehicles, 2000t of scrap metal, 50t of vehicle engines, 200t of electrical cables and shall remain under 25,000t of total waste material. At the time of our visit the site was under these limits.

#### (B3) Site drainage engineering (clean and foul): Permit Condition 3.1.2 breach

**A Category 3 breach has been scored against this condition.**

Permit Condition 3.1.2, Table 3.1 (C): *Drainage to impermeable pavement shall be provided by a sealed drainage system that is comprised of a drainage system with impermeable components which does not leak, and which will ensure that:*

- *No liquid will run off the pavement other than via the system and*
- *Except where they may be lawfully discharged, all liquids entering the system are collected in a sealed sump*

It is the responsibility of the operator to ensure that all surface water that leaves the site is done so via the silt trap interceptor at the entrance of the site. At the time of the inspection the silt trap was visibly blocked and appeared to be poorly maintained; this would allow for a build up of water to occur within the silt trap during periods of rain which would quickly inundate the mechanism. Oil travels at the surface of water and as such any that would be entrained within the surface water traveling towards the slit trap would escape the site and enter the highway drainage system.

#### (C2) Management Systems: Permit Condition 3.1.2

**A Category 3 breach has been scored against this condition.**

Your “Working Plan” was updated to an Environmental Management System (EMS) in 2013. An EMS is a formal, structured approach to managing the aspects of a sites activities, products or services that have, or could have an impact upon the environment. Within it are instructions to staff specifying how to operate the site in compliance with The Environmental Permitting (England and Wales) Regulations 2013. Failures to follow these procedures lead to breaches in the permit which are outlined below as “root cause” breach, which means that the reason you have been breached elsewhere in the CAR form is due to systematic noncompliance with your EMS.

*Permit Condition 3.1.2: The engineered site containment and drainage systems shall be designed, constructed, inspected, validated and maintained, and shall be fully documented and recorded, to be fit for purpose and meet the standards specified in Table 3.1 below and in sections 2.9, 2.10, 2.11, and 2.13 of the working plan.*

*EMS Condition 2.12.1: The concreted area of the site which has previously been used to process vehicles under the permit drains to the highway drains adjacent to the site entrance. The site will now benefit from a sealed channel drainage via a silt trap/interceptor.*

*EMS Condition 2.12.1: Fencing – The site is fenced along the permit boundary.*

As outlined in the above breach (**B3, Site Drainage**); responsibility falls on the operator to ensure that all surface water that drains off from the site is done so via the silt trap interceptor. The failure to adequately maintain the silt trap interceptor in line with the Environmental Management System has been identified as a root cause breach. The EMS also outlines that the site shall be fenced along it’s perimeter, during our inspection the site was easily accessible from the neighbouring property and from the land behind the site, thus rendering the site insecure (**D1, Security**).

### **(C3) Materials Acceptance**

All waste stored on site was compliant with Europeans Waste Codes for the acceptable materials outlined in the permit for ABBA Scrap.

### **(D1) Security: Permit Condition 4.2.1**

**A Category 3 breach has been scored against this condition.**

*Permit Condition: 4.2.1: The site shall be secure.*

The entrance and the western boundary of the fence are secured by a 2m high perimeter fence, however the northern and the north eastern boundary are unsecured as the fence has been knocked down due to waste being stored against the boundary fencing. The site also does not have a perimeter fence between the north eastern corner and the neighbouring yard.

## Other comments

The concreted surface in the southern section of the facility is cracking; with winter approaching it is advised that the surface be maintained as soon as possible even though the section is only used for parking it is along the path that surface water will take to enter the silt trap/interceptor. If the surface is broken contaminants from the surface of the site will be able to enter the ground at the site which will breach the permit conditions and also lead to complications should the site permit ever be surrendered.

Craig Coleman

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*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.*

## EPR Compliance Assessment Report

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Site	Abba Scrap	Permit Ref	DP3299FD
Operator/Permit holder	Alan Humphries & Colin David Jenkins	Date	17/10/2018

### 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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

### 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			
D1	C3	Repair current fence; and erect additional fencing to secure the site.	27/12/2018
C2	C3	Begin a routine cleaning programme of the drainage system, in line with your EMS. Repair and install fencing in damaged areas.	27/12/2018
B3	C3	Clear and maintain the silt trap/interceptor.	27/12/2018

## Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

**See our Enforcement and Civil Sanctions guidance for further information**

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

### Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

**Operational Risk Appraisal (Opra)** - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

## Section 6 – General information

### Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. Health and Safety Executive, local authorities) on environmental issues
- Carrying out statistical analysis, research and development on environmental issues
- Providing public register information to enquirers
- Investigating possible breaches of environmental law
- Assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

### Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

### Customer charter

#### What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to [enquiries@naturalresourceswales.gov.uk](mailto: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.