

Compliance Assessment Report

Report ID:
CAR_NRW0034163

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

Site	Twyn Dismantlers Ltd	Permit Ref	WP3395FT			
Operator/Permit holder	Caleb Griffiths					
Regime	Waste Operations					
Date of assessment	19/10/2018	Time in	11:30	Out	13:00	
Assessment type	Site Inspection					
Parts of the permit assessed	A1, B3, B4, C1, C2					
Lead officer's name	Lee, Jonathan					
Accompanied by	Moggridge, Lara					
Recipient's name/position	Ashley Griffiths/ Manager	Date issued	06/11/2018			

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	X	
B3 - Infrastructure - Site drainage engineering (clean and foul)	C2	3.1.2
B4 - Infrastructure - Containment of stored materials	C3	5.4.1
C1 - General Management - Staff competency/training	C3	2.3.1
C2 - General Management - Management system and operating procedures	C3	1.2.2

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	4	Total compliance score (see section 5 for scoring scheme)	43
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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

Officers Jonathan Lee and Lara Moggridge completed a site inspection on Friday 19th October 2018. The primary purpose of the visit was to assess compliance with a Regulation 36 Enforcement Notice, which was issued on the 14th May 2018, under the Environmental Permitting (England and Wales) Regulations 2016. Officers met with site manager Ashley Griffiths, who showed us around the site. No presence was made by the permit holder, Caleb Griffiths.

The weather was sunny and dry at the time of the inspection. Photographs were taken throughout the inspection and reference to these photographs are made throughout the CAR form. All photographs are listed in an Appendix.

REGULATION 36 ENFORCEMENT NOTICE

The image below shows Schedule 1 of the Regulation 36 Notice issued to the site. This Schedule clearly identified to the operator what steps needed to be taken and a deadline date to remedy non-compliance with the permit conditions breached.

SCHEDULE 1 STEPS TO BE TAKEN		
Condition number	Steps to be taken	By date
Condition 3.1.2, table 3.1	- The contaminated wastes in the area (as edged in red on Plan A) of the site, including end of life vehicles, engine parts, oily mud, gravel and water must be removed from this area. - All contaminated ground in the area (as edged in red in Plan A) will need to be removed from site and disposed of correctly. - A new area of hardstanding must be constructed in line with your permit, for storage of depolluted and uncontaminated wastes. - You must provide paperwork to NRW (via email or post) for the correct and proper recovery/disposal of the wastes and contaminated ground.	18 th October 2018
Condition 3.1.2, table 3.1	Any materials that prevents access to the sealed drainage system must be removed. Access must always be kept clear for the maintenance of your sealed drainage system.	13 th July 2018
Condition 5.1.4, table 5.1	Please clear all end of life vehicle spills from site using suitable absorbent materials. You must ensure that suitable spill kits are available on site and are in use throughout the site by all staff.	13 th July 2018

The three separate elements of Schedule 1 were inspected for compliance, notes on each part of the Schedule have been broken down below. Breaches arising from lack of compliance with this notice have been given in the 'inspection breaches' section beneath.

1) Areas of hardstanding (Condition 3.1.2, Table 3.1)

Permit condition 3.1.2 states that "The engineered site containment and drainage systems shall be designed, constructed, inspected, validated and maintained, and shall be fully documented and record to be fit for purpose and meet the standards specified in table 3.1". Table 3.1 states that "Areas of hardstanding shall be constructed of granular material (e.g. crushed stone, aggregate, road planings or other similar materials)." In line with the first section of Schedule 1, the operator was required to take various actions to resolve the non-compliance with this permit condition by the 18th October 2018. The following observations were noted during the inspection:

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- The operator had taken some steps to remove contaminated ground in the area shown in Plan A and construct a new area of hardstanding. Whilst it was good to see that some action had been taken, the work was incomplete. It was estimated that approximately half of the area outlined in Plan A of the enforcement notice had not been constructed as specified.
- Residual end of life vehicle waste and contaminated ground could be seen beneath the newly laid gravel, suggesting that not all the waste and contaminated ground had been removed prior to the construction of a new hardstanding surface.

- The residual waste and contaminated ground had not been removed from site (see photo 3). Some waste had been placed within skips, but some was also stockpiled in the South-East corner of the site (see photo 7). Given that the waste had not be removed from site, no transfer/consignment notes could be provided. Mr Ashley Griffiths stated that he was seeking quotes for the removal of the contaminated waste. Officers reminded him that this waste would need to go to an appropriate facility given its hazardous nature, and that evidence would need to be provided when the waste is removed from site.
- In areas of hardstanding which had not been remediated, widespread contamination of the ground with oil and end of life vehicle waste remained (see photo 1).
- Settling of water was present, puddles were contaminated and had a film of oil on the surface. Rutting of the contaminated surface was evident (see photos 1,2 and 4).

The first section of Schedule 1 has **not** been complied with.

2) Drainage (Condition 3.1.2, Table 3.1)

At the time of the inspection, the sealed drainage system was accessible and there was no waste preventing the operator from a daily inspection of the system as per the requirements of 'b' under Table 3.1 of the permit. Officer Nessa Dearle noted during the previous site inspection on the 5th August 2018 that this was also the case.

The second section of Schedule 1 has been complied with.

3) Site spillages (Condition 5.1.4, Table 5.1)

Multiple spill kits were present on site, which was beneficial to see. This was also confirmed during the previous inspection by officer Nessa Dearle on the 5th August 2018.

However, widespread contamination from spillages of oils onto the sites impermeable surface was still evident. Prolonged and continued contamination of the impermeable surface can reduce the effectiveness of the sites interceptor and drainage system. Schedule 1 of the notice states that all spills should be cleared, the evidence of contamination on site demonstrated that the clearing of spillages was not being completed by members of staff.

-The third section of Schedule 1 has **not** been complied with.

INSPECTION BREACHES

A1 – Specified by permit – Permitted boundary

It was evident at the time of the inspection that end of life vehicles were being stored outside of the permitted boundary as detailed within Drawing Reference Number 1 of the permit. Several end of life vehicles were being stored on the verges of the entrance road which leads directly to the site (see photo 11). This area is not within the permitted boundary.

Action: Please remove all end of life vehicles which are located outside of the permitted boundary. Keep future site activities within site boundary.

B3 – Site drainage and engineering (Clean and foul) – Permit condition 3.1.2

There were significant issues with site drainage and engineering at the time of inspection. Indeed, the operator had not taken sufficient action to comply with the first section of Schedule 1 of the Regulation 36 Enforcement Notice. The following observations of non-compliance with permit condition 3.1.2 were made: -

- Approximately half of the area of hardstanding had not been remediated as required within the enforcement notice, this area had significant ground contamination with oil and residual end of life vehicle wastes (see photo 1).
- Residual waste and contaminated ground could be seen beneath parts of the newly laid hardstanding, suggesting that not all of the contamination had been removed prior to remediation of the hardstanding area.
- Settling of water was present, both on the area of hardstanding and on the impermeable surface. These puddles were contaminated and had an oil film on the surface.
- Rutting of the area of hardstanding was evident (see photo 1 and 2).
- There were several cracks in the parts of the site which had an impermeable surface.
- Parts of the interceptor system had a distinct odour of oil and fuel. There was visible oil contamination within all of the tanks (see photo 6). The contamination of the system suggests that spillages are not being cleaned before oils can enter the sealed drainage system. This was confirmed in that oil staining could be clearly seen on the entrance gully (see photo 5).
- Mr Ashley Griffiths could not prove to officers the method or frequency of inspection for the drainage system when asked by officers. The permit requires sealed sumps to be inspected no less frequently than daily and to record inspections in the site diary.

Due to non-compliance with this permit condition and the extensive evidence of oil contaminated ground on site, it is reasonably foreseeable that significant pollution to ground has occurred on the site.

You have been scored a **Category 2 breach** for failure to comply with permit condition 3.1.2.

This non-compliance could have been recorded under 'E2 – Emissions to land'. However, this breach has been issued under an infrastructure category as it covers the issues of emission to land and the root cause of the issue.

Natural Resources Wales are **seriously concerned** with the contamination of the ground at your site. The visible ground contamination across site and presence of strong oil odours indicate that the ground has been saturated with oil for several years.

B4 – Containment of stored materials – Permit Condition 5.4.1 (Table 5.4) - Tyre storage

Table 5.4 of your permit outlines that:

C) iv) Individual tyre stacks shall not be stored within 15 metres of the site boundary or building.

Whilst on site significant quantities of tyres were being stored directly adjacent to a building and near to the depollution area on site (see photo 9). Whilst it was stated by Ashley Griffiths that these were soon to be removed from site, this stockpile of tyres still poses a considerable fire risk. This issue was raised on the previous compliance inspection with a deadline for action of the 1st October 2018. Whilst some tyres had been removed from site, it was clear that the current storage techniques were inadequate and non-compliant.

You have been scored a further **Category 3 Breach** for failure to comply with this requirement of your permit.

Action: You must find an appropriate designated area for your tyre storage, this should be a safe distance from any ignition sources, flammable materials or a building. Please ensure that the number of tyres is also reduced and that waste tyres are regularly removed from site in the future, to prevent large stockpiles from building up.

C1 – Staff Competency and Training – Permit Condition 2.3.1 - Technically Competent Manager

A request for Mr Ashley Griffiths to submit an up to date WAMITAB certificate of technical competency was noted in a previous visit to the site by officer Nessa Dearle on the 5th August 2018. Officers asked to see Ashley Griffiths' up to date certificate of continuing competency as the assumed Technically Competent Manager for the site. However, Ashley Griffiths stated that a copy of his certificate was not kept on site. A validation check with WAMITAB was made after the inspection, the validation states that Mr Ashley Griffiths does not hold an up to date certificate of continuing competency.

You have been scored a **Category 3 Breach** against permit condition 2.3.1 for failure to evidence that a person has the required technical competence.

Action: Please submit evidence of continuing competency as soon as possible.

C2 – Management Systems – Permit condition 1.2.2 – Inadequate site management

Permit condition 1.2.2 states that 'Storage and treatment of waste motor vehicles shall meet the requirements of Schedule 5 of the ELV Regulations. Infrastructure and equipment provided to

meet these obligations shall be maintained in working order and shall be used to give effect to their purpose.'

The management of waste on site was poor: -

- There was evidence of incomplete depollution of vehicles, particularly engines which had been removed from vehicles and subsequently left near the depollution bay. These engines had visible leaks of engine oil.
- Several vehicles had vegetation growing from them, indicating that vehicles had been stored on site for extensive periods of time.
- The bunded area where oils and water-based vehicle fluids were stored post vehicle depollution was poorly kept and had evidence of spillages outside of the bunded area (see photo 8).

These observations suggest poor management of waste vehicles. Particularly, the management of the depollution process as required under Schedule 5 of the ELV Regulations 2003.

You have been scored a **Category 3 breach** for failure to comply with permit condition 1.2.2.

It should be noted that the poor management of the site and depollution activities has contributed to the oil contamination of the sealed drainage system and area of hardstanding on site, as previously described in this CAR form.

OTHER NOTES

New area of bunding

The previous site inspection by officer Nessa Dearle required the operator to make repair to an area of bunding to ensure the drainage system was fully sealed. Ashley Griffiths showed officers the section of bunding which had been repaired with a concrete lip, which prevented any contaminated run-off leaving a portion of the impermeable surface where large skips were stored (see photo 10). Thank you for acting to resolve this previous non-compliance.

FINAL COMMENTS

- Out of the three non-compliances identified within the enforcement notice served on the 14th May 2018, two have not been complied with. You are encouraged to act to comply with the enforcement notice and your permit as soon as possible. In the interim, Natural Resources Wales will consider what further enforcement action needs to be taken for failure to comply with the enforcement notice by the deadlines identified.
- There were four breaches of the permit identified at the time of the inspection and one issue requiring action.

- The previous site inspection was completed on the 5th August 2018 by officer Nessa Dearle. This CAR form (CAR_NRW0033771) contained two breaches which were suspended pending compliance with the Regulation 36 Enforcement Notice. The first suspended breach for which specified areas of bunding to be repaired, has been complied with. This breach will not be reactivated. The second breach, for the area of hardstanding, has not been complied with as specified in the enforcement notice. This score will be reactivated and count towards your compliance banding. This CAR form will be edited and re-sent to the operator.

APPENDIX - SITE PHOTOGRAPHS



Photo One - Rutting of hardstanding surface



Photo Two - Rutting of hardstanding surface



Photo Three - Contaminated ground and waste



Photo Four - Pooling of water



Photo Five - Oil staining on entrance gully



Photo Six - Oil staining of interceptor tank



Photo Seven - Stockpile of metals



Photo Eight - Oil storage area



Photo Nine - Stockpile of tyres



Photo Ten - New concrete bund

Photo Eleven - Vehicles stored on verges of site entrance road

If you have any queries please contact officer Jonathan Lee on 0300 065 3908 or via email at jonathan.lee@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.

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EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034163**

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

Site	Twyn Dismantlers Ltd	Permit Ref	WP3395FT
Operator/Permit holder	Caleb Griffiths	Date	19/10/2018

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.

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			
C2	C3	Ensure effective management of site, and vehicle depollution, in line with Schedule 5 of the ELV regulations.	30/11/2018
C1	C3	Submit evidence of technical competency to NRW.	30/11/2018
B4	C3	Ensure appropriate storage of tyres. Stockpiles should be a sufficient distance from any building, flammable materials or ignition sources.	30/11/2018
B3	C2	Take steps to ensure full compliance with permit condition 3.1.2.	30/11/2018
A1	X	Remove end of live vehicles which are outside the permitted boundary. Ensure all future activities are completed only within the site.	30/11/2018

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. 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.