Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0034299

This form will report compliance with your permit as determined by an NRW officer					
Site	A & L Scrap Metal Merchants	Permit Ref	AP3095FU		
Operator/Permit holder	Andrew Brown & Lee Walter Peacock				
Regime	Waste Operations				
Date of assessment	16/11/2018	Time in	10:30	Out	12:30
Assessment type	Site Inspection				
Parts of the permit assessed	part 1-3-5				
Lead officer's name	Peppicelli, Claudia				
Accompanied by	Tye, Laoni				
Recipient's name/position	Andrew Brown/ TCM	Date issued	30/11/2018		

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	C3	Schedule 1 of Permit and condition 1.3.1 of EMS
C2 - General Management - Management system and operating procedures	C3	Permit Conditions: 3.1.2, 5.1.4. EMS condition 2.5.1

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	2	Total compliance score (see section 5 for scoring scheme)	8

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

A&L Site Visit – A&L Scrap Metal Merchants, (EAWML/30372, EPR/AP3095FU) – 16/11/2018

Environment officer Claudia Peppicelli and Laoni Tye attended A&L Scrap Metal Merchants' facility at Barry, Atlantic Estate on the 16/11/2018 and met with TCM Andrew Brown and Tom Daley. The visit was undertaken as a routine site inspection. Thank you for taking the time to attend the inspection and show us all the activities carried out on site. There were 2 minor breaches recorded during the inspection.

1. Compliance: **(C2) Management Systems (procedural aspects of the EMS)**

Permit condition 5.1.4 states in table 5.1-d) *"Minor spillage of oil, fuel or other end of life vehicle fluid shall be cleaned up immediately, using a sand or proprietary absorbent to clean up liquids and placed in alternative containers."*

In the storage area for depolluted engines we noticed a presence of oil and grease on the impermeable surfaces that should have been better contained. Spill kits should be readily available for use at all times and should be used as soon as spills are detected to reduce volumes of oil going to the interceptor. Engines should be fully de-polluted before being stored. Tom agreed with us that the engines should be preferably stored in skips and not directly on the pavement.

Permit condition 3.1.2 states that *"The engineered site containment and drainage systems shall be design, constructed and inspected, validated and maintained and shall be fully documented and recorded to be fit for the purpose and meet the standards specified in table 3.1 of the permit"*

A number of areas of damaged concrete were witnessed, where water could be seen pooling. There was no reason to believe that liquids were escaping other than via the system however, but please ensure surfaces are properly maintained so that this does not occur.

You have therefore been scored a category 3 breach of the permit on this occasion.

Action

Engines should be stored in skips and not directly on the pavement.

Spill kits should be used to prevent any further spillage to be washed away with run off waters. Spill kits should be on site at all times and easily accessible for staff.

Please ensure the damaged concrete is recorded in the site diary and that appropriate monitoring and maintenance procedures are provided in the working plan.

Other comments on site management

The site is generally in good condition and well managed, I just have a few remarks. Whilst onsite the drainage was assessed; the site benefits from an impermeable, concreted surface to prevent any spillage from entering ground water, with a sealed drainage system for the depolluting area and the rest that goes to interceptor with discharge to foul sewer. The interceptor is maintained every 6 months, but its sump at the time of the visit was not accessible because it was covered by a pile of metal waste. The interceptor needs to be accessible at all times and this should be documented within your EMS. This is important to allow for regular checks on the interceptor and in case of an incident on site where interceptors would need to be accessed. It also meant that NRW were not able to inspect it on this occasion and are therefore not able to ascertain whether or not it is working effectively.

Please make sure the interceptor is easily accessible and that regular checks are being made to ensure it is working properly.

EMS condition 2.5.1 states that among the documents to be retained in site office there is a waste management licence (copy).

We were happy to see that a record of waste transfer notes for the waste material and sealed tank were updated and present on site. The EMS as well was on site. What we could not find on site was a copy of the most recent Permit (waste management licence). The permit should be located on site at all times as stated within your EMS. All site staff should be aware of the conditions of the permit and it should therefore be easily accessible for all. We have attached a copy of your current permit for your records.

1. Compliance: **(A1) Specified by permit (activities specifically authorised in the permit)**

The Permit refers to the "site" as the one indicated by the red perimeter in the Drawing AL/002 and the EMS condition 1.3.1 states that *"The area which is the subject of this document and permit No. EAWML 30372 is outlined in green on Drawing No. AL/002. All references to 'the site' in this document shall mean*

this area and the infrastructure, plant and equipment associated with the handling of end-of-life vehicles. No other land is occupied by A&L Vehicle Recycling Ltd or the permit holders and the area stated above forms the boundary of the planning consent and permit."

As a follow-up from our last recorded CAR form issued in April 2015 (Report ID: 30372/0238863), whilst on site we verified that the actual area occupied by the site had been extended on the East-side of the plan (road-side). The new surfaces within the extended boundary are used for storage and treatment of waste, they are impermeable and served by the drainage to interceptor. The new boundary is a high compacted fence that secures the site from unauthorized accesses to humans or animals.

While from an engineering point of view these areas would now comply with the permit conditions, since our last visit the permit itself has never been actually modified to include the additional site extension. Speaking with Andrew and Tom we understood there had been a bit confusion and misunderstanding around this issue. In 2015 when you were breached under condition C4 your annual subsistence charges included an invoice named "Compliance adjustment" which you thought represented a payment for a variation to the permit. That was not the case. That was just the normal annual subsistence fee. The officer at the time provided in the Report some Advice and Guidance regarding the application process to vary the permit which I'm going to repeat here. You have therefore incurred a breach of the permit:

You have therefore been scored a category 3 breach of the permit on this occasion.

Action:

You are required to vary the permit to extend the permit boundary. As you are a Tier 2 Bespoke, A19a facility, you will need to apply for a normal variation which will cost £1,958. For detailed information and guidance notes on our charging schemes please look at:

http://naturalresources.wales/about-us/what-we-do/how-we-regulate-you/our-charges/?lang=en

https://cdn.naturalresources.wales/media/682401/environmental-permitting-charging-guidance-2017-18.pdf?mode=pad&rnd=131469335240000000

You will need to complete Application Forms Part A, C2, C4 and F1 and provide us with a new site plan. The boundary of your site should be highlighted in green on the new site plan. The complete list of the forms with technical guidance can be found here: http://naturalresources.wales/permits-and-permissions/waste/waste-permits/apply-to-vary-change-a-permit-for-waste-operations/?lang=en

Other comments

At the time of the inspection the site was found to operate under a series of exemptions (U5, U4, T12, S1, T19, T9, T4, T8, S2) that were outdated and not renovated. Andrew and Tom promptly remediated to this and they were re-registered whilst we were on site. The exemptions will expire on the 16/11/2021.

We have also discussed the requirement to start getting a Fire prevention and mitigation plan in place, this will be a requirement on all permits soon and due to the types of wastes stored on site, this is something that must be considered on site. At the following link you can find our guidance note:

https://cdn.naturalresources.wales/media/682159/eng-guidance-note-16-fire-prevention-mitigation-plan.pdf?mode=pad&rnd=131625760730000000

If you have any queries relating to this form, please do not hesitate to contact me on the details below.

Claudia Peppicelli

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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*

Cyfoeth Naturiol Cymru Natural Resources Wales	EPR Compliance Assessment Report	Report ID: CAR_NRW0034299

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

Site	A & L Scrap Metal Merchants	Permit Ref	AP3095FU
Operator/Permit holder	Andrew Brown & Lee Walter Peacock	Date	16/11/2018

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
A1	C3	Apply for variation to the Permit	31/01/2019
C2	C3	Engines should be stored in skips. Spill kits should be on site at all times and easily accessible for staff. Appropriate monitoring and maintenance of pavement. The permit should be located on site at all times. The interceptor needs to be accessible at all times.	06/01/2019

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.