

	EPR Compliance Assessment Report	Report ID: 37154/0225525
This form will report compliance with your permit as determined by an NRW officer		
Site	Legacy Car Dismantlers	Permit Ref 37154
Operator/ Permit holder	Kelly David Ithel	
Date	28/10/2014	Time in 11:30 Out 12:30
What parts of the permit were assessed	Permitted Area and ELV Crushing Activities	
Assessment	Site Inspection	EPR Activity: Installation Waste Op X Water Discharge
Recipient's name/position	David Kelly	
Officer's name	Andrew Sowerby	Date issued 25/11/2014

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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			Condition(s) breached
a) Permitted activities	1. Specified by permit	A	
b) Infrastructure	1. Engineering for prevention & control of pollution	A	
	2. Closure & decommissioning	A	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	A	
	5. Plant and equipment	A	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	N	
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	C3	D.1.9;
d) Incident management	1. Site security	A	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	C4	D.1.11
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	NA	
f) Amenity	1. Odour	N	
	2. Noise	N	
	3. Dust/fibres/particulates	A	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	A	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	NA	
	2. Energy	NA	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),
A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	4.1
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If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

Comments

A report had been received the previous day that the road in front of Legacy was covered in mud and oil due to the arrival of the mobile crusher. It was also reported that people from the site were on the road attempting to clean up the mess.

Road at front of site was checked. No obvious signs of either mud or oil observed on the road. It was reported that the only thing that had got onto the road was mud and this was as a result of manoeuvring by the lorry to get onto site. There was no oil on the road.

Mobile baler from EMR located at the top of the site. Observed oil leaking onto the ground underneath the baler. Absorbent pads had already been placed on the ground to clean up this spill but the leaking oil was ongoing. Following discussions with the driver the baling was stopped. Oil was observed to be leaking out of the crusher around the hinges and from the channels on the side of the baler meant to divert any residual oil from the crushing operation to a drum. Following a discussion on the phone with Craig Fisher, a manager from EMR, it was decided that no further baling would be done until something can be put in place to prevent any oil runoff discharging to ground. I expressed my concerns to EMR regarding the ability of the baler to collect residual oil left in depolluted ELVs.

ELVs awaiting baling checked to ensure they had been fully depolluted. Some issues found with some of the ELVs waiting to be baled, i.e.

Volvo estate - shock absorbers had not been drained and the airbags had not been deployed.

Renault Espace - Power steering reservoir appeared to be full

Red BMW - Found to be full of oil. It was stated that the BMW had been drained of all oil before being moved to the top of the site but that the yard was broken onto and the vehicle filled with oil to try and get Mr Kelly in trouble with us.

Mr Kelly was told to check all ELVs again to ensure they were fully depolluted before they are baled.

There were 222 ELVs on site. Approximately 180 were left to bale at the time of this inspection.

Breaches

C4 *general management - storage handling, labelling, segregation - CAT3 - Permit Condition D1.9*

Condition D1.9 states that "Only vehicles drained of all liquids and which have been inspected for leaks and passed as satisfactory shall be allowed to be stored on hard standing." All ELVs must be fully depolluted before they are stored on hardstanding. Out of approximately 10 ELVs checked three of them were found to still be undepolluted. A CCS category 3 has been applied for this breach. All ELVs need to be checked to ensure they have been fully depolluted before they are baled.

E2 *emissions - Land & Groundwater - CAT4 - Permit Condition D.1.11*

Condition D.1.11 states "Vehicles/vehicle bodies shall only crushed on a designated area of concrete hardstanding unless carried out on an enclosed mobile unit." Oil was observed to be leaking out of the bottom of the mobile crusher and onto the permeable hardstanding. Due to the historic condition of the land and the fact that absorbent pads were being used to soak up some of the oil this has been deemed a Cat 4 breach.

Discussed progress with site closure.



Photo showing oil absorbent pads on ground underneath mobile baler



Photo showing baler and some of the baled ELVs next to it.

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Section 3- Enforcement Response	Only one of the boxes below should be ticked
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.	
In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.	X
We will now consider what enforcement action is appropriate and notify you, referencing this form.	

Section 4- Action(s)			
Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
C4	C3	Ensure all ELVs depolluted	asap
E2	C4	Only bale if no oil will discharge to land	asap

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 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 which 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 fulfill 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 (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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information 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 twenty 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 the officer's line managers. 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.