

Compliance Assessment Report

Report ID:
CAR_NRW0032238

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

Site	Flintspeed Car & Commercial Dismantlers	Permit Ref	ZP3694FV			
Operator/Permit holder	Frank Sheratt					
Regime	Waste Operations					
Date of assessment	01/08/2017	Time in	11:35	Out	12:15	
Assessment type	Site Inspection					
Parts of the permit assessed	Permitted Area					
Lead officer's name	Sowerby, Andrew R.					
Accompanied by	McClymont, James					
Recipient's name/position	Frank Sherratt/ Site owner	Date issued	05/10/2017			

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	
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	C3	1.1.4
C2 - General Management - Management system and operating procedures	C4	1.1.1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3	2.4.1
D1 - Incident Management - Site security	A	
E2 - Emissions - Land and groundwater	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F5 - Amenity - Deposits on road	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

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)	8.1
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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

Regulating Officer James McClymont accompanied me during this site inspection. The site inspection was unannounced. We met Frank Sherratt on site. He introduced us to Dan Armstrong who we were informed is helping to manage and operate the site now.

Breaches

C1 - General Management - Staff Competency/training - Condition 1.1.4 - CCS Cat 3

Permit Condition 1.1.4 states that "The operator shall comply with the requirements of an approved competence scheme"

During the site inspection we were shown the below certificate (Photo 1). We were informed that Dan Armstrong was now the technically competent person for the site.

The certificate and assessment that Dan Armstrong had completed and passed is for continuing competency only. In order for this certificate to be valid the primary WAMITAB qualification must have first been achieved. As Dan Armstrong has not completed and passed the primary qualification the certificate below is not valid. As a result there is still no technically competent person for the site.

The reason Frank Sherratt is exempt from having to complete the primary qualification is due to his extensive experience and the previous assessments he has completed as a waste site operator.

As there is no technically competent person for the site and previous advice and guidance regarding this subject has been provided, a CCS Cat 3 breach has again been recorded.

Please ensure action is taken to ensure there is a technically competent person at the site. You must inform me of what actions you intend to take by the 30th October 2017.



Photo 1

C2 - General Management - Management System & Operating Procedure - Condition 1.1.1 - CCS Cat 4

Condition 1.1.1 states The operator shall manage and operate the activities: (a) in accordance with a written management system that

Improvements to your Environment Management System(which was received on the 8th April 2015) have been recommended in the past. These improvements included:

1. Section 1.3 Waste Types and Quantities - to include more detail on waste liquids on site and the maximum storage times for all waste on site. The best way to record this information would be in a table.
2. Section 2.7 All Liquids - This should specify what non waste liquids are stored on site, how they are stored and where they are stored with reference to a site plan.
3. Section 3.3 Waste Deposit Handling and Storage - Details must be provided explaining how ELVs are depolluted on site, especially if it is done differently to the DEFRA guidance. You should also detail how the ELVs and removed parts are dealt with/stored following depollution. You should also state, if not already stated in section 1.3, how long depolluted ELVs are kept on site.
4. Section 4.2 Site Inspections and Maintenance - Clarity is needed over how often things are checked, i.e. daily/weekly/monthly etc.
5. Section 5.2 Spillages - include how used absorbents/sand will be stored and how it will be disposed of.
6. The emergency contact list should include contact details for the site and who to contact if no one is on site. Also listed should be other emergency contacts, i.e. neighbours, any key services and who to contact in the event of a spill on site or to maintain plant and infrastructure.

All the above advice has been provided in the past. The environment management system is an important document that is required by the permit, but would be regarded as a useful reference guide to site employees should management be unavailable for any reason. The EMS is a working document which should be kept up to date with ongoing developments on site. There is guidance on the NRW website regarding what it should include and it may be worth reviewing this to ensure nothing else is forgotten.

Not having an adequate EMS is regarded as a breach of the permit and will, in this case, attract a CCS Cat 4 score. As a result you should do all you can to update and submit to me the EMS by the 30th October 2017. Failure to update the EMS will mean that further enforcement action will need to be considered.

C4 - General Management - Storage, handling, labelling, segregation - Condition 2.4.1 - CCS Cat 3

Permit Condition 2.4.1 states that "The storage (including temporary storage) and treatment of waste motor vehicles shall meet the requirements of article 6(1) of the End-of-Life Vehicles Directive."

The directive requires all undepolluted ELVs to be stored on an impermeable surface with sealed drainage. During the site inspection several ELVs were observed stored on the permeable hardstanding in front of the concreted area. It was argued that some of these cars were in fact meant for resale as cars. However, this was clearly not the case with all of them and as a result a CCS Cat 3 breach has been applied.

You must ensure that undepolluted ELVs are not stored on permeable surfaces at any time. They must only be stored on impermeable surfaces with sealed drainage. Take immediate action to ensure this is the case.



Photo 2



Photo 3



Photo 4



Photo 5

Other Issues On Site

As well as the above issues there are a couple of other concerns.

It was observed that a number of the ELVs at the rear end of the permitted area had vegetation growing through them. This is of concern to us as this indicates that these ELVs have been on site for a long time. Depolluted ELVs should only remain on site for as long as they need to, i.e. enough time for parts to be removed if in demand. Please ensure that as soon as a depolluted ELV is no longer required arrangements are made to remove it.

Another concern was the cars stored on the concrete yard at the front of the site next to the road. This area is not within the permitted area. We were informed that none of the cars in this area were waste, however some of the cars were in a poor state of repair so there was some doubt around this statement. If cars are to be stored in this yard outside the permitted area then it should be made clear that they are not waste.

Waste Returns

We have carried out a review of your recent 2016/2017 waste returns. There were a couple of issues with them which need addressing:

1. In 2016 you have recorded that 16 01 08 is leaving site and in 2017 you have referred to 16 08 01 as leaving site. On the waste returns it says that these waste types have gone to RFR Spent Catalysts. 16 01 08 is components containing mercury and 16 08 01 is spent catalysts containing gold, silver, rhenium, rhodium, palladium, iridium or platinum. It is assumed that the waste types you are sending to RFR Catalysts are car catalytic converters. The correct EWC code to use for this waste type is 16 01 21 or 16 01 22 depending upon whether they are hazardous or not. You should ensure the correct EWC code is used for incoming and outgoing waste.
2. Some of the outgoing waste amounts in 2017 appear to be excessive. It seems that in 2017 the forms have so far recorded 58,548.71 tonnes as having been removed from the site. As I know the site, I assume this figure is incorrect. I suspect that the confusion may have arisen due to the use of a comma instead of a decimal point (see extract below from your April to June 2017 waste returns). You need to ensure that the waste returns are clear and that the quantities are provided in tonnes.

6 Waste removed from site

*Destination Local Authority Area Where Waste Removed To	*EWC waste code	*Waste Collection Authority source? (Y/N)	*Destination Facility Disposal and Recovery code	*Amount in tonnes
Flintshire, Delryn Metal	16.01.06	Flintshire	Delryn Metal - EBFM3188PY	12,320.
Cleansing Service Group Ltd, Liverpool Road, Carlislehead, Manchester, M44 5DT	13.02.08	Manchester	CBDU89037	1,000

NRW now prefers waste returns to be submitted electronically and I will send through a copy of the relevant electronic form in a separate email. If possible please complete the electronic form as this will ensure that the entries are legible and clear.

Please resubmit corrected waste returns by the 30th October 2017 for both 2016 and 2017 ensuring that the EWC codes are correct and that the quantities are clear. Please provide these in the electronic form if possible. Should you require copies of your old waste returns please let me know.

If there are any questions regarding any of the above comments please contact me.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0032238**

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Site	Flintspeed Car & Commercial Dismantlers	Permit Ref	ZP3694FV
Operator/Permit holder	Frank Sheratt	Date	01/08/2017

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.

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.

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			
C4	C3	Ensure undepolluted ELVs are only stored on an impermeable surface with sealed drainage.	09/10/2017
C2	C4	Update the Environment Management System	30/10/2017
C1	C3	Inform NRW of what action is being taken to ensure that an appropriately qualified TCM is attending site.	30/10/2017

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.