

Compliance Assessment Report CAR_NRW0039212

Permit being assessed: DP3299FD.

For: Abba Scrap, held by Alan Humphries & Colin David Jenkins

At: Abba Scrap, Pengarnddu Ind Estate, Dowlais, Merthyr Tydfil, Glamorgan, CF48 2TA.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 11/11/2021 between 11:35 and 12:50.

Parts of permit assessed: B4, C1, C3, D1, G4, C2, B3

NRW Lead Officer: Elysia Lovelock, accompanied by Magda Leonowicz, Craig Coleman.

Report sent to: Site Manager , Site Manager on 27/01/2022.

1. Summary of our findings (full details in section 4)

| Part of permitted activity assessed (criteria) | Assessment result | Permit condition |
|--|-------------------|------------------|
| B4 - Infrastructure - Containment of stored materials | C3 Minor | 5.6.1 |
| C1 - General Management - Staff competency/training | C3 Minor | 2.5.1 |
| C3 - General Management - Materials acceptance | C3 Minor | 2.2.1 |
| D1 - Incident Management - Site security | C3 Minor | 1.2.1 |
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | C4 No impact | 8.1.2 |
| C2 - General Management - Management system and operating procedures | C3 Minor | 2.1.1 |
| B3 - Infrastructure - Site drainage engineering (clean and foul) | Action only (X) | |

Result types are explained in more detail in the 'Important Information' section below.

| Total number of non-compliances recorded | Total non-compliance score |
|--|----------------------------|
| 6 | 20.1 |

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

| Criteria | Action needed | Complete by |
|----------|--|-------------|
| B4 | Please ensure all waste materials that are being stored on site, including the engines are appropriately contained. | 28/02/2022 |
| C1 | Please provide a copy of the sites Technical Competent Manager's certificate of continuing competency or if this has changed, please provide details of any incoming persons and | 28/02/2022 |

| Criteria | Action needed | Complete by |
|----------|--|-------------|
| | evidence of their technical competence | |
| C3 | Please ensure only permitted waste types are accepted at the facility and please remove all non-permitted waste types to return the site to compliance under permit condition 2.2.1 | 28/02/2022 |
| D1 | Please repair the fencing at the rear of the site in order to maintain site security by the date specified, in order to return the site to compliance under permit condition 1.2.1. Or instead, if you wish to agree a suitable date/timeframe for completion of repairs, please inform me as the sites regulatory officer by the date specified. | 28/02/2022 |
| G4 | Please ensure all outstanding annual summary records for 2018-2020 are submitted. Please note. the summary record for 2021 is due at the of the financial year. Please ensure you check your records to ensure that all missing summary records that have not been provided from other years are also submitted. | 28/02/2022 |
| C2 | Ensure waste operations undertaken on site comply with the sites working plan. | 28/02/2022 |
| B3 | Please provide evidence of maintenance records for the site drainage, specifically for the oil interceptor. This could be in the form of an internal routine maintenance record, or a copy of an invoice if a service has been provided by an external contractor. Please note, you have previously been breached under condition 3.1.2 for failing to maintain site drainage. | 28/02/2022 |

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

An unannounced site inspection was undertaken on Thursday 11th November 2021 at 1135 hrs, at the regulated facility of Abba Scrap Metals Ltd, Plot 4, Perngarnddu Industrial Estate, Dowlais, Merthyr Tydfil, Mid Glamorgan, CF48 2TA. The weather remained dry but overcast during the visit.

The sites new regulatory officer, Industry and Waste Regulation Officer Elysia Lovelock, was accompanied by Industry and Waste Regulation Officer Magda Leonowicz, and the previous/former regulation officer for the site, now Hazardous Waste Regulation Officer Craig Coleman. We reported to reception on arrival and were greeted by the Site Manager, a Mr David Jenkins.

The purpose of the visit by Natural Resources Wales was to assess the sites compliance

with the conditions of the environmental permit held by Abba Scrap Metals Ltd, reference EPR-DP3299FD.

The environmental permit held by the operator, allows the holder to operate a scrap metal processing yard and is an authorised treatment facility for depolluting end-of-life vehicles. The sites permitted annual tonnage is 24,999 tonnes.

Summary of CAR_NRW0034098

The site was last inspected by officer Craig Coleman on 17/10/2018 and actions were required following the visit, which were specified in CAR_NRW0034098, issued on 26/10/2018, which were as follows:

- *“Clear and maintain silt trap/interceptor.”* Ensure drainage channels are kept clear of silt and debris, to ensure all surface water drains off site via the silt trap/interceptor.
- *“Repair current fence, and erect additional fencing to secure the site.”* Ensure the site is secure by undertaking the necessary repairs to fencing at the north/north east boundary of the site.
- Ensure operations on site are in line with the Sites Environmental Management Systems.

The above actions were required by 27th December 2018, however during the site inspection on 11th November 2021, officers noted that the above actions either remained outstanding, or remained of relevance to the current condition of the site.

The following observations were made by the officers during the visit on 11th November 2021. The corresponding breaches have also been outlined and explained below. Please note some information that has been included was obtained by reviewing Natural Resources Wales records:

B4 – CONTAINMENT OF STORED MATERIALS

Officers observed engines containing residual oil (a potentially polluting liquid) being stored directly on the impermeable surface at the rear of the site next to an overflowing skip, without secondary containment. This is in breach of permit condition 5.6.1 which states –

5.6.1 Residual wastes shall only be handled and stored on site in accordance with the standards specified in Table 5.6 below.

Table 5.6 states – storage requirement for b) Batteries, oil filters, oil contaminated parts, PCB/PCT containing condensers, components identified as containing mercury and brake pads containing asbestos.

Specified standards i) Once removed from vehicles, these components shall be segregated by type and stored within dedicated appropriate containers, which are fit for purpose. The containers shall be clearly and unambiguously labelled regarding their contents.

Please note, Table 5.2 'Standards for prevention & control of leaks and spillages', specifies the standards required under permit condition 5.2.4 which also states – iii) Containers, tanks and drums shall not be filled beyond their operational capacity.

Furthermore, Table 2.1 'Specified waste management operations' specifies limits, of note, under 'Discharge to surface water, the limit states 'As far as it is reasonably practicable the works shall be operated so as to prevent the discharge from containing any significant trace of visible oil or grease.

This has been recorded as a **Category 3** breach under **B4 Containment of stored materials**.

ACTION REQUIRED: Please refer to 'Section 2. What action is required?' for further details.



C1 – STAFF COMPETENCY AND TRAINING

Following the visit, I requested a copy of the sites continuing competency WAMITAB certificate for the sites Technical Competent Manager TCM, via email on 17 November 2021. To date, this has not been provided by the Operator. Therefore, according to our records the sites Technical Competent Manager's continuing competency expired as of 10/08/2019 and the site have been unable to provide evidence that such a person, has the required technical competence, or whether there has been a change in management. This is in breach of permit condition number 2.5.1 which states –

2.5.1 Any changes in the technically competent management of the site, the name of any incoming person and evidence that such a person has the required technical competence, shall be submitted to the Agency in writing within 5 working days of the change in management.

This has been recorded as a **Category 3** breach under **C1 Staff Competency and Training**.

ACTION REQUIRED: Please refer to 'Section 2. What action is required?' for further details.

C3 – MATERIALS ACCEPTANCE

Officers observed PVC window frames on site which are not a permitted waste type for this facility. This is in breach of permit condition 2.2.1. which states-

2.2.1 No waste other than those, which are categorised below in Table 2.2A and specified in detail in Appendix A to these conditions, shall be accepted at the site.

This has been recorded as a **Category 3** breach under **C3 Materials Acceptance**.

ACTION REQUIRED: Please refer to 'Section 2. What action is required?' for further details.



D1 – SECURITY INFRASTRUCTURE

Officers observed that the fence at the rear of the site is damaged and as a result, this site is therefore no longer secure. This is in breach of permit condition 4.2.1 which states –

4.2.1 The site shall be secure.

This has been recorded as a **Category 3** breach under **D1 Security Infrastructure**.

ACTION REQUIRED: Please refer to ‘Section 2. What action is required?’ for further details.



G4 – REPORTING & NOTIFICATIONS

After reviewing the waste returns submitted by the Operator since 2018, you have failed to provide summary records for 2018, 2019 and 2020, with 2021 summary record due at the end of the financial year. Failing to provide these summary records is in breach of permit condition 8.1.2 which states –

8.1.2 A summary of the waste types and quantities accepted and the waste types and quantities removed from the site shall be made for each financial year and shall be submitted to the Agency within 1 month following the end of that year. The summary record shall be in the format specified in Appendix B or otherwise subsequently agreed with the Agency in writing.

This has been recorded as a **Category 4** breach under **G4 Reporting & Notifications**.

ACTION REQUIRED: Please refer to ‘Section 2. What action is required?’ for further details.

C2 - MANAGEMENT SYSTEMS

From the site visit and from the breaches outlined above, it has been concluded that the breaches are a result of a failure to implement the operator’s working plan in a manner that ensures that operations on site are being managed and undertaken in a manner that complies with the sites environmental permit conditions, to prevent subsequent breaches. As such, this has been identified as the root cause for the breaches identified above. This is a breach of permit condition 2.1.1 which states –

2.1.1 No waste management operations shall be authorised by this licence unless:

- a specified in and undertaken in accordance with the limitations specified in Table 2.1; or
- b otherwise required by the conditions of this licence as being an integral part of those operations;

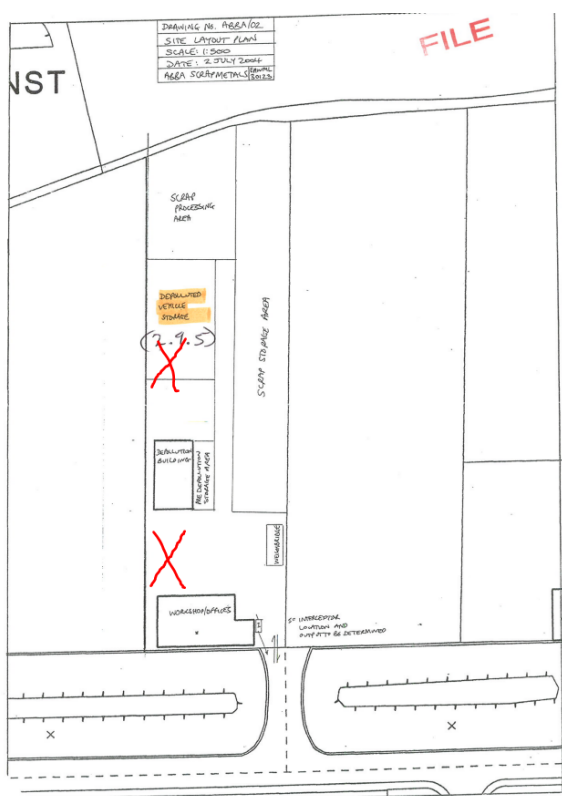
Officers observed scrap metal, tyres and vehicles being stored in areas of the yard, other than those specified in the site ‘storage layout plan’ Drawing No. ABBA/02. Copy of the storage layout plan below shows areas marked with a red ‘x’ where waste has been incorrectly stored. This is in breach of permit condition 5.4.2 which states –

5.4.2 All wastes accepted at the site shall be handled, kept and recorded in accordance with sections 3.3 and 3.4 of the working plan and the standards specified in Table 5.4 below.

Under 3.3 ‘Waste deposit, handling and storage’ of the working plan, in summary, it states that vehicles will either be stored in the pre-depollution storage area or the depolluted vehicle storage area and tyres will be stored in a designated skip as shown on Drawing No. ABBA/02/A. Ferrous and non-ferrous metals will be stored in scrap storage area shown on Drawing No. ABBA/02/A.

This has been recorded as a consolidated **Category 3** breach under **C2 Management Systems**.

ACTION REQUIRED: Please refer to ‘Section 2. What action is required?’ for further

details.

At the time of the inspection, there were no vehicles being depolluted, with only a small number of vehicles on site. However, please ensure if pre-depolluted and depolluted vehicles are being stored, that you follow the sites working plan.

I observed vehicles stored on top of each other as seen below. Some that have not been crushed or baled, which still had tyres and wheels on, which would suggest that they may have not been fully depolluted and is possible that brake fluid or oil from shock absorbers has not been drained, as removing tyres can improve access for depollution. All vehicles must be processed to ensure that potential pollutants are removed in accordance with Schedule 5 of the End-of-life Vehicles Regulations 2003. Please also ensure you are segregating and storing vehicles correctly prior to and post depollution.





B3 SITE DRAINAGE ENGINEERING (CLEAN AND FOUL)

ADVICE AND GUIDANCE

The sites infrastructure is designed to control emissions. Officers observed that the impermeable surface is showing signs of deterioration. If waste storage areas do not have sealed drainage, as required by the permit, because the impermeable surface is no longer impermeable, this would constitute a breach of the permit condition 3.1.2 which states –

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 the meet the standards specified in Table 3.1 below and in sections 2.9, 2.10, 2.11, 2.12 and 2.13 of the working plan.

‘Table 3.1 Site containment & drainage standards’ specifies under ‘b) Impermeable pavement, bunding and sills’, the minimum specified standard as follows –

‘Areas of impermeable pavement, bunding and sills shall be constructed and maintained so as to prevent fluids running off the pavement and the transmission of fluids through the pavement or joints.

Where there is a risk of chemical corrosion, areas of impermeable pavement, kerbs, bunds and sills shall be provided with suitable resistance to minimise such corrosion.’

Therefore, please ensure the sites impermeable surface is maintained and records are kept. Through discussion on site, it was unclear when the oil interceptor or silt trap had last been inspected and emptied or cleared, to ensure they are working correctly. Failure to properly maintain an oil interceptor could lead to a potentially polluting liquid escaping the site boundary. Failure to keep adequate records relating to maintenance would constitute a breach of the permit. You have previously been breached under condition 3.1.2 for failing to

maintain site drainage.

ACTION REQUIRED: Please refer to 'Section 2. What action is required?' for further details.



RECORD KEEPING

Officers Elysia Lovelock and Craig Coleman reviewed a sample of waste transfer notes and consignment notes on site and were satisfied with the record keeping. I note Abba Scrap are a registered upper tier waste carrier, reference CBDU6130 refers. This does not come under the Environmental Permitting Regulations 2016 requirements; however, this is relevant and applicable legislation, requiring anyone who treats, keeps, or disposes of waste to be a registered waste carrier. At the time this CAR was generated, there were also no exemptions registered at the site.

The Site Manager also provided the officers with a copy of the sites environmental permit and Environmental Management System to view which are available on site, as required.

SUMMARY

Please note, to assess compliance concerning the sites drainage detailed within this Compliance Assessment Report, clarification is required and evidence has been requested on this occasion. **Please refer to Section 2. What action is required?**

Following the visit, clarification was requested via email on the 17th November 2021 concerning the site's waste returns and the continuing competency of a Technically Competent Manager. However, to date, we have received no response. As such, compliance assessments can only be based solely on the information we have available to us.

The site visit concluded at 1250 hrs. We wish to thank the Site Manager for the time taken during the visit. If you have any questions about the requirements outlined in this Compliance

Assessment Report, please contact Industry and Waste Regulation Officer Elysia Lovelock in the first instance.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

| Assessment result | Description |
|-------------------|---|
| Assessed (A) | Assessed or assessed in part, no evidence of non-compliance found |
| Action only (X) | Action only relating to the activity assessment |
| Ongoing (O) | Ongoing non-compliance, not scored |

| Non-compliance category | Description | Score |
|----------------------------|---|-------|
| C1 Major | Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property | 60 |
| C2 Significant | Potential to have a significant impact or effect on the environment, people and/or property | 31 |
| C3 Minor | Potential to have a minor or minimal impact or effect on the environment, people and/or property | 4 |
| C4 No environmental impact | Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property | 0.1 |

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or 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
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.