

Compliance Assessment Report

Report ID:
CAR_NRW0032244

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

Site	Arch Motors	Permit Ref	RP3394FS		
Operator/Permit holder	Thomas Arthur Roberts				
Regime	Waste Operations				
Date of assessment	21/09/2017	Time in	13:15	Out	14:30
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted Area and Hazardous Waste				
Lead officer's name	Sowerby, Andrew R.				
Accompanied by	Challender, Paul				
Recipient's name/position	Arthur Roberts/ Site Operator/Owner	Date issued	30/11/2017		

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	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B4 - Infrastructure - Containment of stored materials	A	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
	C3	2.4.1
D1 - Incident Management - Site security	A	
E1 - Emissions - Air	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	

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

Site inspection carried out with Environment Officer Paul Challender. Met Arthur Roberts and Rachel on site. We had a discussion within the office about the ongoing dispute between Arch Motors and Scottish Power regarding a transformer oil spill. Following this we then proceeded to walk around the permitted area.

Breaches

C4 - General Management - Storage handling, labelling, segregation - Permit 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."

Annex I of the ELV directive states that treatment operations for depollution of ELVs include "removal of batteries and liquefied tanks".

This means that in order for an ELV to be regarded as depolluted the LPG tank needs to be removed, regardless of whether it has been drained.

During the site inspection an ELV with an LPG tank still attached was observed being stored on the hardstanding (see Photo 1). I was informed that the practice with regards to these LPG tanks when received (which is rarely) was to vent the gas to the atmosphere. This practice did not appear to be correct as the venting gas would have a negative impact upon air quality. As I was not too familiar with the guidance around LPG tanks I stated that I would need to look into the legal requirements around depollution of them.

Following a review of available guidance I can confirm that the current handling and storage of ELVs with LPG tanks on site is not correct and as a result a CCS Cat 3 breach has been applied. I have attempted to summarise the guidance below. Please ensure that all ELVs with LPG tanks are now stored and handled according to the relevant guidance.

LPG Guidance

I have reviewed guidance for dealing with LPG cars and I will send you links to some of these documents within the accompanying email. I have tried to summarise some of the guidance below

ATF site should isolate any LPG cars that arrive on site.

- They then need to check the tank and piping for any leaks before they even consider removing the car battery.
- Only then can the tank be isolated by activating the isolating valve.
- Tank should then be removed from the vehicle before it is emptied purged and separately disposed of.
- To do all this you should have suitably qualified personnel and ATEX-approved detection equipment to check for the leaks.
- Only once the tank has been removed can the ELV be treated as a normal ELV should be treated.

The guidance also recommends that the tank is stored on a rack in a lockable cage in the open air until a professional LPG operator can come to empty and purge it.

LPG fuel is considered hazardous and highly flammable and **at no point should it ever be vented to the atmosphere**. The HSE have guidance on how to handle LPG fuel and take the incorrect handling of it very seriously. Should we hear of LPG being vented to the air in the future we would have a responsibility to report the practice to the HSE, as well as taking further action ourselves.

NRW has released a regulatory position statement on the disposal of LPG fuel as it has been recognised that there are very few contractors who will take away LPG fuels. This regulatory position statement involves the flaring of LPG. However, this activity

would need to be strictly controlled and compliant with every requirement of the position statement. Should you require more information please contact me.

DEFRA Depollution Guidance - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31736/11-528-depolluting-end-of-life-vehicles-guidance.pdf

Other issues observed on site that require attention

ELVs intended for Fire and Rescue Service

The storage and processing of the waste cars used by the Fire and Rescue Service was discussed. Waste cars intended for use by the fire and rescue service are clearly labelled on site. These ELVs are used for training purposes by the emergency service. To be useful for training they are partially depolluted. The fuel, oils, screen wash and air con gas are removed from the ELV with only the battery, airbags and shock absorbers allowed to be left intact. It must also be ensured that these ELVs meant for the FRS are stored and used on an impermeable surface with a sealed drainage system.

As the ELVs are still regarded as hazardous waste then the movement to and from the place of training must be accompanied by a hazardous waste consignment note. Please ensure these are completed for all movements of ELVs to and from the FRS. The Fire and Rescue Service should be aware of this requirement as it has been agreed with them. I've attached the regulatory position statement that applies in both England and Wales to provide more information regarding this.

Oil Drums

A number of oil drums were observed to be stored on the impermeable concreted area. Your permit requires any potentially polluting liquids to be stored within secondary containment, i.e. within a bunded area. This was discussed on site. We were informed that one of the storage containers on site was a chemical store and that any drums or other containers containing polluting liquids on site would be moved into it.

Hardstanding on site

I once again raised concerns regarding the state of the permeable hardstanding on site. The surfaces were observed to be very muddy. It was claimed that this mud was as a result of heavy traffic on the surface forcing the mud up through the existing hardstanding. Regardless of how the mud is produced we are concerned that the mud could result in an impact on the roads outside the site and make any required clean ups following a spill on site (should it happen) more difficult. It was explained that you were reluctant to consider resurfacing until the dispute with Scottish Power had been resolved. However, the dispute with Scottish Power only concerns part of your site so you should consider if any action to reduce mud/restore hardstanding can be taken on areas of your site that have been unaffected.

Review of Hazardous Waste Consignment Notes

During the inspection we received copies of two consignment notes for hazardous waste sent off site. A review of these consignment notes is below:

Consignment of oily waste to Nustar Eastham Ltd (Oil Recoveries)

Part A

The consignment note code should be the current Premises Code followed by a set of five letters or numbers that are unique. These five letters and/or numbers are your choice, but must be different for every consignment of hazardous waste. You must ensure the Premises Code used is the current one. In this consignment note the premises code CAH139 is used. Our records indicate that this premises code expired on the 30th March 2017.

Part B

This section indicates that 1,400 kg of waste engine oils and water (13 02 05) was consigned. There are other waste listed in the consignment note, i.e. oily water from oil water separator and oil filters but there are no quantities listed for these waste types. If these wastes are not consigned can you ensure they are clearly crossed out on all future consignment notes.

Part C and D

No issues, apart from to ensure that all times are completed on the form.

Part E

The consignment note states it was issued in July 2016. I would therefore expect you to have received a new version of this form with Part E completed by the consignee. consignee returns for this consignment of waste. If the dates on the consignment note are wrong and it should refer to 2017 then the consignee returns for July should have been received from the consignee

by the end of October.

Consignment of Catalytic Converters to MCR Ltd

Part A

The consignment note code should be the current Premises Code followed by a set of five letters or numbers that are unique. These five letters and/or numbers are your choice, but must be different for every consignment of hazardous waste. You must ensure the Premises Code used is the current one. In this consignment note the premises code used is NBF 358. Or records show this premises code to have expired some time ago. As this consignment note is dated for August 2017 then the premises code is certainly not suitable.

Part B

Quantity should be in kilograms. Please ensure that all future quantities in Part B are listed in the units specified, i.e. kgs. If you are unsure you can estimate as best you can.

There were no further comments regarding this consignment note. All other details including destination sites, carrier references etc have been checked.

We requested some hazardous waste consignment notes for incoming waste. We were informed that many of your customers are members of the public/householders. Obviously householders do not need hazardous waste consignment notes for waste cars being left at the site. However, you also mentioned that some of your customers are garages. Any waste cars received from garages would be regarded as business waste and so should be accompanied by hazardous waste consignment notes. Please ensure that this is done for all future hazardous waste received from garages.

A search of NRW's public register has revealed that there does not seem to be a current hazardous waste producer registration. The last hazardous waste producer registration expired on the 30th March 2017. Please ensure that if you are producing over 500 kgs of hazardous waste each year you are a registered hazardous waste producer.

Permit Variation to Increase Throughputs at the Site

Your permit is currently limited to 1,500 tonnes a year of waste motor vehicles and 300 tonnes per year of ferrous and non-ferrous metals. Should you wish to vary your permit to increase these annual throughputs you will need to submit an application to vary your permit. This type of variation would likely be regarded as a minor technical variation and would cost around £1280. Should you wish to add further changes to the permit then the cost may change but this can be looked at should this happen. If you decide you would like to vary your permit to increase the throughputs please let me know and I can direct you to the relevant forms.

To summarise

- Ensure ELVs with LPG tanks are depolluted correctly
- Under no circumstances must LPG be vented to the atmosphere. It is highly flammable and also damaging to the environment.
- All partially depolluted ELVs sent to North Wales Fire and Rescue Service must be accompanied by hazardous waste consignment notes. These must be for the transfer of waste going from Arch Motors to the FRS and then for the waste returning from the FRS to Arch Motors.
- Ensure all potentially polluting liquids, i.e. oil drums, are stored within secondary containment
- Assess and take action to reduce mud and maintain hardstanding on site where needed
- Ensure all parts of the hazardous waste consignment notes are completed and chase up any returns
- All business waste accepted onto site, including ELVs from garages, must be accompanied by hazardous waste consignment notes
- Please ensure you are registered as a hazardous waste producer and that the premises code used on consignment notes is up to date.
- If you wish to vary your permit please let me know and I will direct you to the relevant forms needed to make an application.

During the site inspection I queried whether the shock absorbers had been drained on the depolluted ELVs as the drill holes were not visible. I was shown that the drill holes were actually located quite high up on the shocks and not immediately apparent.

Despite all the issues highlighted above, the site appeared to be well organised and, with the exception of the ELV with the LPG

tank, all the undepolluted and depolluted ELVs seemed to be stored appropriately. The depollution area was today and well organised and other wastes on site were stored in an organised fashion. At the end of the site inspection we observed an ELV being accepted onto site from a member of the public. It was reassuring to observe all the checks and paperwork being done and the certificate of destruction being issued.

If you have any questions regarding any of the above please do not hesitate to contact me.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0032244**

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

Site	Arch Motors	Permit Ref	RP3394FS
Operator/Permit holder	Thomas Arthur Roberts	Date	21/09/2017

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.

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.

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	All ELVs with LPG tanks should be stored and treated in accordance with the relevant guidance	30/11/2017

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.