

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

Site	Bagillt Car Spares	Permit Ref	CP3794FR		
Operator/Permit holder	Michael Waugh				
Regime	Waste Operations				
Date of assessment	19/01/2017	Time in	10:00	Out	12:10
Assessment type	Site Inspection				
Parts of the permit assessed	1.1, 2.1, 2.2, 2.3, 2.4, 2.5, 4.2				
Lead officer's name	Haider, Mefty				
Accompanied by					
Recipient's name/position	M Waugh/ Operator	Date issued	09/02/2017		

### 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
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	1.1.1
B4 - Infrastructure - Containment of stored materials	C3	2.1.1, Table S1.1
C1 - General Management - Staff competency/training	C3	1.1.1, 2.1.1, Table S1.1, 2.4.1, 2.4.3
C2 - General Management - Management system and operating procedures	C3	1.1.1, 2.1.1, 2.2.1, Table S1.1, 2.4.1, 2.4.3, 4.2.2
C4 - General Management - Storage, handling labelling and Segregation	C3	2.4.1, 2.4.3
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.2.2

**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.

<b>Number of breaches recorded</b>	<b>6</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	20.1
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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

Purpose of the visit was to carry out routine site inspection. At the time of the visit operator Mr Waugh was present on site. An accompanied site inspection was carried out with Mr Waugh. During the inspection the following non-compliance with permit conditions were observed:

### **Non-compliance with permit conditions**

#### **B2) Site drainage engineering (clean and foul) - Permit condition 1.1.1**

Hard standing areas within the permitted area are uneven, rutted and muddy with standing pools of water. This is giving rise to surface water contaminated with suspended solids. Hard standing areas must be fit for purpose and maintained. The site management system (EMS) does not contain any information regarding site surfaces and therefore it does not identify and minimise all risk of pollution from operations, maintenance etc., and deemed to be inadequate.

Site has received a CCS category 3 for this non-compliance with permit condition.

#### **B4) Containment of stored materials - Permit condition 2.1.1, Table S1.1, 2.4.1**

Permit condition 2.1.1 briefly states that operator is only authorised to carry out the activities specified in schedule 1 table S1.1. Table S1.1 states that apart from uncontaminated metal waste all other waste shall be stored on impermeable surface with sealed drainage. Permit condition 2.4.1 briefly states that storage (including temporary storage) of ELVs shall meet the requirements of article 6(1) of the ELVs Directive. Site is in breach of this permit condition due to 2 incoming ELVs and 3 part-depolluted (likely to be more) ELVs were stored on permeable ground. In addition oil contaminated parts (e.g. engine blocks) were stored in a container over permeable ground.

At present site has received a CCS score category 3 for this non-compliance with permit conditions. If the non-compliant activities continue to carry on site is likely to receive a higher CCS score in the future.

#### **C1) Staff competency/training - Permit condition 1.1.1, 2.1.1, Table S1.1, 2.4.1, 2.4.3**

Staff competency and training requires improvements. Site staff are storing incoming ELVs on permeable ground, ELVs are not being depolluted appropriately as they contained un-deployed airbags, screen wash etc., which is leading to storage of hazardous waste and non-hazardous waste together. Oil contaminated parts e.g. engine blocks not stored on impermeable surface with sealed drainage. Inappropriate storage and treatment of hazardous waste such as ELVs are in breach of permit condition 1.1.1, 2.1.1, Table S1.1, 2.4.1 and 2.4.3.

Site has received a CCS score category 3 for non-compliance with permit conditions.

#### **C2) Management system and operating procedures - Permit condition 1.1.1, 2.1.1, 2.2.1, Table S1.1, 2.4.1, 2.4.3, 4.2.2**

Management system and operating procedures are both inadequate and not being followed. The current site EMS does not adequately identify and minimise risk of pollution, including those arising from operations, maintenance etc. The reason being the current EMS does not contain any information regarding the following:

- Removal of oil containing parts such as oil filter from ELVs during depollution process.
- Installation, inspection and maintenance of infrastructures (e.g. hard standing areas, secondary containment system, impermeable surface etc.).
- No information regarding how oil contaminated parts (e.g. engine and gear box) will be stored on site.

Site is failing to comply with permit condition and own EMS conditions due to the following reasons:

- 2 incoming un-depolluted ELVs stored on permeable ground.
- Depolluted ELVs (3) stored on permeable ground contained un-deployed air bags, catalytic converters and screen wash.

- Un-depolluted hazardous ELVs stored with depolluted non-hazardous ELVs.
- Permitted hazardous waste (ELVs) stored outside of permitted area on permeable ground.
- Oil contaminated parts (e.g. engine blocks) stored in container in the open over permeable ground.
- Waste returns not submitted for the entire 2016 period.

As a result site is in non-compliance with permit conditions 1.1.1, 2.1.1, 2.2.1, Table S1.1, 2.4.1, 2.4.3, 4.2.2.

Site has received a CCS score category 3 for non-compliance with permit conditions.

#### **C4) Storage, handling labelling and Segregation - Permit condition 2.4.1, 2.4.3**

Briefly permit condition 2.4.1 requires that the storage (including temporary storage) and treatment of ELVs shall meet the requirements of article 6(1) of the End-of-Life Vehicles Directive. Site is in breach of this condition as ELVs are not being treated adequately on site as depolluted ELVs contain fluids, airbag explosives and catalytic converters while stored on permeable ground.

Permit condition 2.4.3 briefly requires that hazardous waste shall not be mixed with other waste. Site is in breach of this condition because at the time of the visit part de-polluted hazardous waste was stored with depolluted non-hazardous waste.

Site has received a CCS score category 3 for this non-compliance with permit conditions.

#### **G4) Reporting and notification to Natural Resources Wales - Permit condition 4.2.2**

Permit condition 4.2.2 briefly requires that within one month of the end of each quarter, the operator shall submit information regarding waste accepted and removed during the previous quarter. Site is in breach of this permit condition because operator has failed to submit any waste returns data for the entire 2016 period.

Site has received a CCS category 3 for this non-compliance with permit condition.

### **Comments**

#### **Site EMS**

Current site EMS is deemed inadequate and non-compliant with permit condition 1.1.1 as it lacks required information as required by Operating Techniques 2.3.1, table S1.2 "How to comply with your Environmental Permit". This is because there is no information on the EMS regarding the following:

- Site specific process, activities or operations.
- Emissions and discharges.
- Site engineering and infrastructure.
- Duty of Care etc.
- Sufficient competent persons.

You must ensure your written management system identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-compliances, closure and those drawn to the attention of the operator as a result of complaints. Please refer to Part 1 and Part 2 of the document "How to comply with your environmental permit", which details what information should be included in a site EMS. We have provided these advice and guidance to you on previously.

#### **Hard standing areas**

At the time of the visit hard standing areas were muddy, uneven, rutted due to vehicle movement and muddy. There is a risk of pollution from contaminated surface water (contaminated with suspended solids) escaping from the site and impacting on local receptors. There is no information available within the site EMS as to how such surfaces will be constructed and maintained. Generally hard standing areas must be:

- Constructed of granular material.
- Remain even and not subjected to settlement/partial settlement.
- Not be subjected to rutting even when wet.
- Remain free from standing pools of water.
- Capable of being cleaned (e.g. by scraping).

You must ensure hard standing areas within the permitted areas are fit for purpose, constructed and maintained in a satisfactory manner.

#### **Storage and treatment of waste**

At the time of the inspection operator was storing and treating waste inappropriately on site. Incoming un-depolluted ELVs were stored on hard standing areas. Oil contaminated parts such as engine blocks were stored in containers over permeable ground in

breach of permit condition. If appropriate storage space is full then you must not accept any further waste on site. You can also increase the areas benefitting from impermeable surface with sealed drainage system in order to increase your storage capacity.

ELVs are not being depolluted appropriately as depolluted ELVs contained un-deployed airbags, fluids and catalytic converters. As stated previously it is not possible to effectively inspect depolluted ELVs on site as operator partially crushes the ELVs and stacks them three high on site. Therefore, it is not possible to inspect the engine compartment and the ELVs stored behind the initial row. During future inspections we will be requesting to bring individual treated ELVs to ground level for safe and full inspection in order to check compliance with permit condition.

At present operator does not remove oil filters from ELVs. You must remove oil filters as they are classed as parts containing oil from ELVs as part of your depollution process. You must not store ELVs containing oil filters on permeable ground. Similar guidance was provided previously regarding this matter.

### **Catalytic converters**

Operator stated at present site does not remove "after market" catalytic converters. "After market" catalytic converters are referred to generic catalytic converters produced by companies other than the vehicle manufacturer or other leading brands. Operator stated site does not remove "after market" catalytic converters as they have little or no financial value.

Operator confirmed site has received a letter from NRW notifying them that catalytic converters and diesel particulate filters (DPF's) are now regarded as hazardous waste as they are likely to contain Refractory Ceramic Fibre matting, which is hazardous. Therefore, all catalytic converters and DPF's must be removed, stored, handled and transported as hazardous waste. When transporting such waste it must be accompanied with duly completed hazardous waste consignment note. Failure to do so is an offence under the Hazardous Waste (England and Wales) Regulations 2005.

### **Waste Returns**

Our records indicate operator has failed to submit any waste returns for the entire 2016 period. Please ensure all outstanding waste returns are submitted by the deadline stated in section 4 on this report.

### **Storing waste on non-permitted area.**

Site is in breach of permit conditions as operator is storing un-depolluted ELVs and ELV parts on permeable ground outside of the permitted area. Operator stated some of the vehicles stored on the non-permitted area were not waste but cars for re-sale. The site is permitted to operate an Approved Treatment Facility for ELVs. Storage and treatment of ELVs are the primary function of the site. Therefore, any vehicles received on site will be classed as waste. Should you wish to repair ELVs and sell them as working cars you can do so. However, prior sale such cars will remain to be waste and must be stored in compliance with permit condition at all times.

### **Management system and operating procedures**

Operator and site staffs have many years of experience of operating an ELV dismantling site. Therefore, operator and site staffs should be well aware of permit conditions and ELV storage and depollution process. It is likely that the recent non-compliance with permit conditions are a result of lack of supervision and management not following own procedures. Non-compliance with permit condition poses a risk of pollution of the environment and harm to human health. Non-compliance with permit condition is also an offence and can result in NRW taking enforcement action against offenders. Please ensure management system is adequate and adhered to and site is compliant with permit conditions with regards to required infrastructures, storage and treatment of ELVs.

### **Hazardous Waste Part Audit**

A part audit of hazardous waste was carried out on site during the inspection. Below are a summary of the audit findings:

#### **Hazardous waste Producer**

Site is registered as a Hazardous Waste Producer. Site registration number is CAD594.

#### **Hazardous waste consignee returns**

Site accepts hazardous waste, such as ELVs from other businesses. As such operator should be submitting hazardous waste consignee returns periodically to the regulator. However, our records indicate no consignee returns were submitted by the operator during 2016. Please be aware that failure to submit consignee returns is an offence under the Hazardous Waste (England and Wales) Regulations 2005 and the NRW may consider taking enforcement action against you.

#### **Hazardous waste**

Site produces the following hazardous waste:

- Oil, liquids and fluids.
- Batteries.
- Catalytic converters.
- Air condition fluids.

The wastes are exported to the following sites:

- Depolluted ELVs – Nortons in Liverpool.
- Tyres – Credential Automotive in West Midlands.
- Oil/fluids – Oil Recovery Ltd.
- Batteries – Nortons in Liverpool.
- Catalytic converters and wheels– Sloans Car Parts, Bootle, Mersyside.

### **Waste sources**

ELVs predominantly sourced from general public/householders. ELVs normally either brought on site by previous keepers or collected by the operator. Operator also accepts business waste such as ELVs from businesses (e.g. vans) and ELVs from other permitted sites. At the time of the audit there were several ELVs on site, which were received from COPART in Flintshire.

### **Hazardous Waste Consignment Notes and Waste Transfer notes**

Site produced hazardous waste consignment notes (HWCN) for both incoming hazardous waste such as ELVs and outgoing hazardous waste such as waste oil and batteries etc. A number of Waste transfer notes (WTN) for non-hazardous wastes were also produced. Majority of the HWCN and WTN were not duly completed and therefore, non-compliant with both Hazardous Waste Regulations 2005 and Duty of Care legislation (Environmental Protection Act 1990) respectively. Details are as follows:

HWCN issued by COPART UK Ltd (MAC632/55305) issued on 30.07.2015 for incoming ELV (EWC 16 01 04):

- Part B1 incomplete.
- Part B3 states quantity (kg) as 1. This is not correct as an ELV will weigh more than 1 kg. The weight is more likely to be 1 tonnes or 1000 kg.
- Part C2 incorrectly entered site permit number and not the required carrier registration details.
- Part C3 vehicle registration detail incomplete.
- A similar note from the same consignor was issued again on 15.01.2016, which had a different premises code (NAC632) and consignment code NAC632/31765. The correct codes likely to be MAC632 and MAC632/31765.

HWCN (BATTS1/00001) issued by operator for outgoing batteries (EWC 16 06 01):

- Part A1 consignment note code incorrect. Please refer to the attached guidance note for further information on how to complete a consignment note accurately.
- Part B1 incomplete.
- Part B2 no SIC code.
- Part C2 incorrect carrier registration.
- Part D no consignor name or address and missing time of transfer.

WTN issued by Credential Environmental Ltd on 01.12.2016 for outgoing waste tyres (EWC 16 01 03):

- No SIC code for site where waste was produced.
- No time for the transfer.

WTN issued by Sloan Car Parts for outgoing waste wheels (ticket ref: NWS/065712):

- No date and time.
- No EWC code for the waste.
- No weight or amount.
- No information regarding transferor and transferee.
- No authorisation details for where waste is going to.

Failure to complete both hazardous waste consignment note and waste transfer note are offences under the Hazardous waste Regs 2005 and Environmental Protection Act 1990 respectively. The waste transfer note issued by Sloans Car Pats is of particular concern. The note indicates the waste was taken to the waste carrier's site in Bootle. Our search indicates the registered address for Sloans Car Parts does not benefit from any exemption or environmental permit. You must ensure that waste is transported by registered carrier and transported to a site that is authorised to accept that waste. Failure to do so is again an offence under s34 of Environmental Protection act 1990.

### **Link to Hazardous Waste Consignment Note guidance:**

<https://www.gov.uk/guidance/hazardous-waste-consignment-note-supplementary-guidance>

### **Link to Hazardous Waste Consignee Returns guidance:**

<https://naturalresources.wales/waste/hazardous-waste-returns/?lang=en>

At the bottom of this webpage there are further information, which will take you to the Gov.UK website.

**For consignee return you must send the returns to the following email:**

[waleshazreturns@cyfoethnaturiolcymru.gov.uk](mailto:waleshazreturns@cyfoethnaturiolcymru.gov.uk)

Should you wish to discuss the findings of this report then please contact the regulating officer Mefty Haider on 03000 653696.

***In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order 2012.***

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0026985**

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

Site	Bagillt Car Spares	Permit Ref	CP3794FR
Operator/Permit holder	Michael Waugh	Date	19/01/2017

### 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			
B3	C3	Maintain hard standing areas to ensure they are fit for purpose.	28/02/2017
B4	C3	Ensure all hazardous waste and contaminated waste stored on impermeable surface with sealed drainage system at all times.	28/02/2017
C4	C3	Ensure hazardous waste is stored on impermeable surface with sealed drainage and segregated from other waste types.	28/02/2017
C2	C3	Update EMS and ensure it is adequate, ensure hazardous waste is stored and treated appropriately, submit waste returns in timely manner etc.	28/02/2017
C1	C3	Ensure staff are appropriately trained, understand both permit and EMS conditions and carries out site activities in a compliant manner.	28/02/2017
G4	C4	Submit all outstanding waste returns and ensure future waste returns are submitted in time.	28/02/2017

## 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](mailto: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.