

## Compliance Assessment Report

Report ID:  
CAR\_NRW0034965

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

Site	Twyn Dismantlers Ltd	Permit Ref	WP3395FT		
Operator/Permit holder	Caleb Griffiths				
Regime	Waste Operations				
Date of assessment	27/03/2019	Time in	11:00	Out	12:15
Assessment type	Site Inspection				
Parts of the permit assessed	A1, B3, B4, C1, C2, D2, G4				
Lead officer's name	Lee, Jonathan				
Accompanied by	Warwick-Brown, David				
Recipient's name/position	Caleb Griffiths, Ashley Griffiths/ Permit Holder. Site Manager	Date issued	10/04/2019		

### 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	X	
B3 - Infrastructure - Site drainage engineering (clean and foul)	C2	3.1.2
B4 - Infrastructure - Containment of stored materials	C3	5.4.1
C1 - General Management - Staff competency/training	C3	2.3.1
C2 - General Management - Management system and operating procedures	C2	1.2.2
D2 - Incident Management - Accidents, emergency and incident planning	C3	5.1.4
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	6.1.2

**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.

Number of breaches recorded	6	Total compliance score (see section 5 for scoring scheme)	74.1
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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

### Introduction

Officers Jonathan LEE and David WARWICK-BROWN in attendance of Twyn Dismantlers Ltd, The Twyn, Fleur-De-Lys to complete a compliance inspection of the environmental permit EPR-WP3395FT held by Mr Caleb Griffiths. Weather was sunny and dry at the time of the inspection. Officers met with Ashley Griffiths and Ronald Griffiths on site. No presence was made by the permit holder, Caleb Griffiths.

Photographs were taken throughout the inspection and reference to these photographs are made throughout the CAR form. Photographs taken are listed in an appendix.

### Actions from previous inspection

The previous compliance inspection was completed on the 19<sup>th</sup> October 2018 (CAR\_NRW0034163). Five actions were listed from this previous inspection, these actions are shown in the table below.

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			
C2	C3	Ensure effective management of site, and vehicle depollution, in line with Schedule 5 of the ELV regulations.	30/11/2018
C1	C3	Submit evidence of technical competency to NRW.	30/11/2018
B4	C3	Ensure appropriate storage of tyres. Stockpiles should be a sufficient distance from any building, flammable materials or ignition sources.	30/11/2018
B3	C2	Take steps to ensure full compliance with permit condition 3.1.2.	30/11/2018
A1	X	Remove end of live vehicles which are outside the permitted boundary. Ensure all future activities are completed only within the site.	30/11/2018

Officers began the inspection by asking staff members for an update regarding the non-compliances identified during the previous site inspection as outlined above. Mr Ashley Griffiths stated that:

- Extensive work had begun to remediate the area of hardstanding on site, with contractors currently on site constructing new area(s) of hardstanding/impermeable surface.
- A large quantity of tyres had been removed from the site.
- He did not have an up to date certificate of technical competency but had booked a test for April 2019.
- End of life vehicles (ELV's) had not been removed from outside the site boundary.

Officers then proceeded to inspect the site.

### **Compliance Breaches**

The following permit breaches were identified during the inspection.

#### **A1 – Specified by permit – Permitted boundary**

At the time of the inspection, it was evident that several ELV's were being stored outside of the permitted boundary as specified in Drawing Reference Number 1 of the permit. ELV's were being stored on the entrance road which leads directly to the site (see photos 1 and 2). This area is not within the permitted boundary. These observations were also noted during the previous site inspection on the 19<sup>th</sup> October 2018.

Action: Please remove all end of life vehicles which are located outside of the permitted boundary. Keep future site activities within site boundary.

A deadline of the **22<sup>nd</sup> May 2019** has been given to rectify this non-compliance.

#### **B3 – Site drainage and engineering – Permit condition 3.1.2**

Significant issues with site drainage and engineering were noted during the inspection. Officer LEE noted improvements had been made to the area of hardstanding from the previous inspection on the 19<sup>th</sup> October 2018. Indeed, the operator had sought to contract the remediation and construction of the area of hardstanding at the site, these remedial works were ongoing during the inspection. However, the area of hardstanding and infrastructure at the site remained non-compliant with permit condition 3.1.2. The following observations of non-compliance with permit condition 3.1.2 during the inspection were made: -

- Approximately quarter of the area hardstanding was non-compliant with Table 3.1(a); the area was not constructed with suitable granular material, the area had significant ground contamination with oil and residual ELV wastes, a large pool of water was evident in the south-west corner of the site and the contaminated portions of the hardstanding remained susceptible to rutting (see photos 3, 4, 5, 7, 13, 14 and 16).
- Large portions of the sites impermeable surface are not served by the sites sealed drainage system. It is essential that the all parts of the sites impermeable surface (and ultimately its run-off) is collected and captured by the sealed drainage system to ensure that any hazardous liquids are intercepted appropriately.

- There were several puddles of oil-contaminated water present on the impermeable surface.
- The concrete 'lip' previously present on the edge of the impermeable surface where skips are stored was not present. The drainage in this area was therefore not sealed. This is of concern as this area had a high number of oil spillages (see photos 11, 15 and 18).
- A portion of breeze block wall adjacent to a site drainage channel was extremely stained with oil, it is reasonably foreseeable that oil has soaked through this wall and contaminated the ground underneath (see photo 17).
- Oil staining could clearly be seen on the entrance gully to the sealed drainage system (see photo 8).
- Several IBC's containing waste liquids were being stored on areas of hardstanding. The permit requires all tanks used for the storage of wastes to be stored in a bunded area with impermeable pavement, which is independent of the drainage system (photo 10).

A **Category 2 breach** of permit condition 3.1.2 has been scored for non-compliance with this condition and more specifically, the requirements of Table 3.1.

Natural Resources Wales remain **seriously concerned** with the oil contamination of the site and its associated infrastructure. Officers noted that the operator had acted to remediate the area of hardstanding. However, total compliance with permit condition 3.1.2 remains a **highly significant priority** for the operator.

Action: Ensure that the engineered surfaces and site drainage are compliant with the requirements of permit condition 3.1.2, and specifically Table 3.1.

A deadline of the **1<sup>st</sup> July 2019** has been given to rectify this non-compliance.

#### **B4 – Containment of stored materials – Permit condition 5.4.1 (Table 5.4) – Tyre Storage**

Table 5.4 of the permit states that:

c) iv) Individual tyre stacks shall not be stored within 15 metres of the site boundary or building

During the inspection it was noted that significant quantities of tyres were being stored directly adjacent to a building on site (see photo 9). Mr Ashley Griffiths stated that large quantities of tyres had been removed from the site recently, however, the storage of tyres was not compliant with permit condition 5.4.1 at the time of the inspection. The current storage techniques represent a fire risk.

A **Category 3 breach** of permit condition 5.4.1 has been scored for failure to store waste tyres appropriately.

Action: You must find an appropriate designated area for your tyre storage, this should be a safe distance from any ignition sources, flammable materials or a building. Please ensure that the number of tyres is also reduced and that waste tyres are regularly removed from site in the future.

A deadline of the **22<sup>nd</sup> May 2019** has been given to rectify this non-compliance.

### **C1 – Staff competency and training – Permit condition 2.3.1 – Technically Competent Manager**

Permit condition 2.3.1 requires evidence that a person has the required technical competence.

Officers asked to see Mr Ashley Griffiths' up to date certificate of continuing competency as the assumed Technically Competent Manager (TCM) for the site. Mr Ashley Griffiths stated that he did not have the certificate and was due to take the test in April 2019.

A **Category 3 breach** of permit condition 2.3.1 has been scored for failure to evidence that a person has the required technical competence.

Action: Please submit evidence of Technical Competence to ensure compliance with permit condition 2.3.1.

A deadline of the **22<sup>nd</sup> May 2019** has been given to rectify this non-compliance.

### **C2 – Management Systems – Permit condition 1.2.2 – Inadequate site management**

Permit condition 1.2.2 states that 'Storage and treatment of waste motor vehicles shall meet the requirements of Schedule 5 of the ELV Regulations. Infrastructure and equipment provided to meet these obligations shall be maintained in working order and shall be used to give effect to their purpose'.

The following observations of non-compliance with permit condition 1.2.2 were noted during the inspection: -

- Depollution remained incomplete on several ELV's, thus indicating poor management and/or incompleteness of the depollution process.
- The designated area where oils and water-based vehicle fluids were stored post depollution was poorly kept and the area external to the bunded wall was heavily stained with oil.
- General housekeeping of the site was poor. Stockpiles of waste and dismantled spare parts were poorly managed and arranged haphazardly. Several piles of waste were being stored on the area of non-compliant hardstanding (see photos 13, 14 and 16).
- Several non-depolluted vehicles had clearly been stored on site for extensive periods of time, thus indicating poor management and processing of waste. This is also in breach of the storage time limits set in Table 2.1.
- Batteries removed from ELV's were not being stored within an appropriate and labelled container.

It is reasonably foreseeable that failure to manage the depollution process and the activities of the site in

accordance with Schedule 5 of the ELV Regulations 2003, has contributed to the oil contamination of the site and its associated infrastructure.

Therefore, a **Category 2 breach** of permit condition 1.2.2 has been scored for failure to manage site activities and infrastructure in accordance with Schedule 5 of the ELV regulations 2003.

Action: Manage site activities and infrastructure in accordance with Schedule 5 of the ELV regulations.

A deadline of the **1<sup>st</sup> July 2019** has been given to rectify this non-compliance.

## **D2 – Accidents, emergency and incident planning – Permit condition 5.1.4 – Site spillages**

Permit condition 5.1.4 (specifically Table 5.1) states that ‘minor spillages of oil, fuel or other end of life vehicle fluids shall be cleaned up immediately, using sand or proprietary absorbent to clean up liquids and placed in alternative containers’.

During the inspection it was evident that spillages of oil were not being sufficiently managed. Officers witnessed spillages of oil emanating from engines and ELV’s on site (see photo 12). It was clear that these spillages were not being cleaned up as required, and there was limited evidence of the use of spillage kits. It should be noted that continued spillages of oil will place significant pressure on the site drainage system and reduce its effectiveness.

A **Category 3 breach** of permit condition 5.1.4 has been scored for failure to manage and remediate spillages on site.

Action: Ensure that all minor spillages of oil and other ELV liquids are cleaned up immediately after the event, using suitable absorbent materials and/or spill kits.

A deadline of the **22<sup>nd</sup> May 2019** has been given to rectify this non-compliance.

## **G4 – Reporting and notification to Natural Resources Wales – Permit condition 6.1.2 – Waste returns**

Permit condition 6.1.2 requires the operator to submit an annual summary record of the waste types and quantities accepted and removed from the site within one month of the end of a year. This information should be submitted to NRW by means of an annual waste return.

Having reviewed NRW records, no waste returns have been submitted for the site since 2013.

A **Category 4 breach** of permit condition 6.1.2 has been scored for failure to submit annual waste returns

for 2013, 2014, 2015, 2016, 2017 and 2018.

Full guidance on waste returns, including a template spreadsheet, can be found by following the link below.

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/new-wales-operator-waste-return-and-deadlines-for-returns/?lang=en>

Action: Please submit all outstanding waste returns. Please ensure that future waste returns are submitted accurately and on time.

A deadline of the **22<sup>nd</sup> May 2019** has been given to rectify this non-compliance.

### Summary

- Out of the 5 non-compliances identified in the CAR form dated 19<sup>th</sup> October 2018 (CAR\_NRW0034163), the operator had not acted to fully resolve any of these non-compliances.
- As outlined above, there were seven non-compliances identified in this CAR form. Details of actions to be taken and deadlines are given in Table 'Section 4'.
- Due to significant continued non-compliance, Natural Resources Wales must now consider taking enforcement action to resolve the permit breaches identified. Natural Resources Wales will be issuing a Regulation 36 Enforcement Notice further to this Compliance Assessment Report.
- Major improvements to site infrastructure and management are still required to ensure full compliance with the environmental permit, and ultimately to protect the environment. These improvements are required to be made **extremely urgently** given the proximity to the nearby sensitive receptor, the River Rhydney.

### Appendix – Site Photographs



**Photo One** – ELV's outside of permit area

**Photo Two** – ELV's outside of permit area





**Photo Three – Area of hardstanding**



**Photo Four – Area of hardstanding**



**Photo Five -- Area of hardstanding**



**Photo Six – Area of hardstanding**





**Photo Seven** – Pool of water on hardstanding



**Photo Eight** – Oil staining on entrance gully



**Photo Nine** – Stockpile of tyres



**Photo Ten** – IBC's on site boundary





**Photo Eleven** – Edge of impermeable surface      **Photo Twelve** – Oil leaking from engine



**Photo Thirteen** – Area of hardstanding      **Photo Fourteen** – Area of hardstanding



**Photo Fifteen - Edge of impermeable surface**



**Photo Sixteen – Area of hardstanding**



**Photo Seventeen – Contaminated block wall**

**Photo Eighteen - Contaminated impermeable surface**

If you have any queries regarding this Compliance Assessment Report please contact regulatory officer Jonathan Lee on 0300 065 3908, or via email at [jonathan.lee@naturalresourceswales.gov.uk](mailto:jonathan.lee@naturalresourceswales.gov.uk)

*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.*

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0034965**

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

Site	Twyn Dismantlers Ltd	Permit Ref	WP3395FT
Operator/Permit holder	Caleb Griffiths	Date	27/03/2019

### 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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

### 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			
C1	C3	Submit evidence of technical competency to NRW.	22/05/2019
B3	C2	Act to ensure full compliance with permit condition 3.1.2.	01/07/2019
A1	X	Remove end of life vehicles which are outside the permitted area. Ensure all future site activities are completed only within the site boundary.	22/05/2019
D2	C3	Ensure that spillages of ELV oils and other liquids are cleaned up immediately using suitable absorbent materials and/or spill kits.	22/05/2019
B4	C3	Ensure appropriate storage of tyres in a designated area. Tyre stacks should be a sufficient distance from site buildings, flammable materials and ignition sources.	01/07/2019
C2	C2	Ensure effective management of site activities and infrastructure in line with Schedule 5 of the ELV Regulations 2003.	01/07/2019
G4	C4	Submit all outstanding waste returns.	22/05/2019



## 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.