

Name of site	Clwyd Breakers Ltd	Operator / Permit holder	Clwyd Breakers Ltd	Permit ref no.	102006
Officer	Andrew Sowerby	Date	28/09/2012	Area / office	Wales (N) - Buckley
Activity	Vehicle depollution	Time in/out	10:50 / 11:40	Event type:	☒ Routine ☐ Incident ☐ Other
Assessment type:	☒ Site inspection ☐ Audit ☐ Check monitoring/sampling ☐ Report / data review ☐ Procedure review				
Site life status:	☒ Operational ☐ Pre-Operational ☐ Post-operational				
Which part(s) of the permit were assessed? Permitted Area					

Compliance assessment summary

Key to completion:		A = Assessed/Assessed in part (no evidence of non-compliance)		ATL = Approach to limit		Conditions breached					
NA = Not Applicable		1, 2, 3, 4 = CCS cat 1-4 breach		N = Not assessed							
a) Permitted activities	1	A									
b) infrastructure	1	A	2	NA	3	N	4	A	5	N	
c) General management	1	A	2	A	3	A	4	C3			2.4.1;
d) Incident management	1	A	2	N							
e) Emissions	1	N	2	N	3	A	4	N	5	A	
f) Amenity	1	A	2	A	3	A	4	N	5	A	
g) Monitoring and records, maintenance and reporting.	1	N	2	N	3	N	4	N			
h) Resources efficiency	1	NA	2	NA							

The breaches indicated above may constitute one or more offences. You should take immediate action to rectify each breach and return to compliance. You should prevent any repetition of the breaches. Breaches of conditions as indicated above can result in criminal prosecutions and/or suspension or revocation of a permit.

NB. IF THERE IS A BREACH, ONLY ONE OF THE FOLLOWING WILL HAVE AN 'X' PLACED IN THE BOX

We will now consider what enforcement action is appropriate.	☐	At present we do not intend to prosecute you for the above offences. However, you are warned that this may change if further relevant information comes to light.	☒
		This is a site warning.	☒
		We have given you advice.	☐

Review of Directly Applicable Legislation: Key: A = Assessed, N = Not assessed, NA = Not Applicable, C1, C2, C3, C4 = CCS cat 1-4 breach.

Report delivery method:	☐ copy left on site	☐ posted	☒ emailed	☐ faxed	Date	15/10/2012
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Comments

Visit report/comments

Breach

C4 - 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, i.e. the storage of end of life vehicles prior to treatment shall be on impermeable surface with sealed drainage. During the inspection a number of un-depolluted vehicles were observed to be stored on Area A of the site. Area A does not have an impermeable surface. Most of the pollutants had been removed from these vehicles but some had not had the shock absorbers drained. It was explained on site that the equipment used for draining the shock absorbers keeps breaking and that you were awaiting parts and then it would be repaired. We discussed on site the options available to you should this happen again.

Action - You must ensure that all vehicles stored within Area A at present and in the future are checked to see if they are fully depolluted, including shock absorbers drained. Should any vehicles within Area A still require de-polluting then this must be done. As rectifying this breach was a requirement of the notice issued to your site on 20/07/2011 you need to ensure that it is dealt with immediately. Should this breach be encountered again I will have to consider what further enforcement action is required.

Observations

When I arrived on site there was one undepolluted vehicle being stored on the access road between Areas A and B. You stated this had just arrived and the vehicle was removed straight away to Area B for depollution whilst I was there. You must ensure that all vehicles that need to be depolluted are placed in Area B immediately. You are not permitted to store any waste vehicles outside your permitted area at any time. As there was only one vehicle there that you stated had just arrived you will not be scored for this breach this time. However, you have been scored for this permit breach a number of times in the past and should I observe the same thing again you will be scored and further enforcement action considered.

Officer's Signature

Recipient's name or position within company

 N Bennett

Continuation sheet used

Yes

No of Pages

3

CCS record number

186592

Notes to the recipient

This compliance report form may highlight non-compliance with your permit or directly applicable legislation as observed by the Environment Agency officer.

This does not relieve the site operator of their responsibility to ensure that they comply with the permit and to prevent pollution of the environment. You are also reminded that:

- you should comply with the conditions of the permit at all times
- compliance with the permit does not remove your obligation to comply with other legislative provisions which may apply.

Understanding the Compliance Assessment Summary

a) Permitted activities	1	Specified by permit
b) Infrastructure	1	Engineering for prevention and control of emissions
	2	Closure and decommissioning
	3	Site drainage engineering (clean and foul)
	4	Containment of stored materials
	5	Plant and equipment
c) General management	1	Staff competency/training
	2	Management system and operating procedures
	3	Materials acceptance
	4	Storage, handling, labelling and segregation
d) Incident management	1	Site security
	2	Accident, emergency and incident planning
e) Emissions	1	Air
	2	Land and groundwater
	3	Surface water
	4	Sewer
	5	Waste
f) Amenity	1	Odour
	2	Noise
	3	Dust/fibres/particulates and litter
	4	Pests, birds and scavengers
	5	Deposits on road
g) Monitoring and records, maintenance and reporting	1	Monitoring of emissions and environment
	2	Records of activity, site diary/journal/ events
	3	Maintenance records
	4	Reporting and notification to the Environment Agency
h) Resource efficiency	1	Efficient use of raw materials
	2	Energy efficiency

The term 'permit' for the purposes of this form includes: licences, authorisations and consents.

Understanding your non-compliance scores

Non-compliance findings are classified using our published Compliance Classification Scheme, (CCS).

This scheme categorises breaches of permit conditions based on their potential for environmental impact as shown below. If you wish to discuss further any comments made by the officer on this form, contact your local area office or for more details of the CCS scheme, see the Environment Agency's website or contact your local office.

CCS category	Description	Score
1	A non-compliance which has a potentially major environmental effect	60
2	A non-compliance which has a potentially significant environmental effect	31
3	A non-compliance which has a potentially minor environmental effect	4
4	A non-compliance which has no potential environmental effect	1

Corrective action

We have various options to ensure that you correct actual or potential non-compliance. We may

- advise on corrective actions, verbally or in writing and require you to take specific actions, by letter or by issuing a notice.
- require you to review your procedures or management systems
- change some of the conditions of your permit
- decide to undertake a full review of your permit

Any breach of a permit is an offence, and we may take legal action:

- We will normally provide advice/guidance to assist operators back into compliance. However, other than for a very minor offence this will normally be in conjunction with another enforcement response.
- Where we have issued a written warning this does not preclude us from taking additional enforcement action if further relevant information comes to light. Such action includes the issue of a formal caution, taking a prosecution and/or the service of a notice.

We have published our Enforcement and Prosecution Policy which seeks to achieve a consistent approach to enforcement across all our regulated activities.

Operational Risk Appraisal (Opra)

Compliance assessment findings may affect your Opra score. This score determines your charge and affects the allocation of our resources to check your compliance with the permit.

Data protection notice

The Environment Agency is responsible for regulating environmental protection, flood defence, water resources and fisheries. It has a duty to discharge its functions to protect and enhance the environment and to promote conservation and recreation. The information provided will be processed by the Environment Agency to fulfill its regulatory and monitoring functions, and to maintain the relevant public register(s). The Environment Agency 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 (e.g. Health and Safety Executive, local authorities, emergency services) 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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The Environment Agency 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 Environment Agency 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 twenty working days of receipt of the assessment 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 the compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line manager, Area Environment Manager or Area Manager. If you wish to raise your dispute further, this can be done through our official Complaints and Commendations procedure phone our general enquiry number 08708 506506 (Mon to Fri 08.00–18.00) and ask for the Customer Contact team, alternatively you can send an email to enquiries@environment-agency.gov.uk. If, after following our Complaints and Commendations procedure, you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the Parliamentary Ombudsman phone their helpline on 0345 015 4033.



Comments

Technical Competence - Thank you for keeping me updated with regards to where you are up to with the technical competence training. Once you receive the certificate to say that the training has been completed i would be grateful if you could email or post a copy of it to me so that i can make sure it is on our records.

If you have any questions please do not hesitate to contact me.

