

	EPR Compliance Assessment Report	Report ID: 102006/0245307			
This form will report compliance with your permit as determined by an NRW officer					
Site	Clwyd Breakers Ltd		Permit Ref	102006	
Operator/ Permit holder	Clwyd Breakers Ltd				
Date	30/07/2015		Time in	10:10	Out 11:10
What parts of the permit were assessed	Permitted Area and Paperwork				
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op X	Water Discharge
Recipient's name/position	Neil Bennett				
Officer's name	Andrew Sowerby		Date issued	12/10/2015	

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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			Condition(s) breached
a) Permitted activities	1. Specified by permit	A	
b) Infrastructure	1. Engineering for prevention & control of pollution	C3	2.5.1
	2. Closure & decommissioning	NA	
	3. Site drainage engineering (clean & foul)	A	
	4. Containment of stored materials	A	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	A	
	2. Management system & operating procedures	C4	1.1.1;
	3. Materials acceptance	A	
	4. Storage handling, labelling, segregation	A	
d) Incident management	1. Site security	A	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	NA	
f) Amenity	1. Odour	A	
	2. Noise	A	
	3. Dust/fibres/particulates	A	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	A	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	NA	
	2. Energy	NA	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),
A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	4.1
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If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

Comments

Met Joanne Bennett on site. Inspection was pre-arranged so that a review of some of the site paperwork could be carried out and so that the Environment Management System (EMS) could be discussed. In addition to paperwork being checked, a walk around the site was also conducted.

Site Inspection

During the walk around site the following breach was observed

B1 - Infrastructure - Engineering for prevention and control of pollution - Permit Condition 2.5.1 - Cat 3
Condition 2.5.1 of the permit 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." Undepolluted ELVs are stored within Area B, as referred to within the sites environment management system. This is due to Area B historically being completely impermeable. As a result of extending the site, area B now includes a thin strip of ground that has not been concreted. This permeable strip of land runs through the centre of the site. This was highlighted during the site visit and I was assured that this piece of ground was due to be concreted imminently. Until the concreting work has been done no undepolluted ELVs should be stored over the permeable strip of ground.

In addition to the above it was observed that a surface water drain just outside the permitted area (i.e. on other side of fence from area B) had oil stains around it and there were signs that this may have been from runoff from the impermeable area B. It has been proposed by the operator that a sill be installed along the boundary of the site to ensure there is no runoff from the site.

These issues with regards to ensuring that area B has a sealed drainage system need to be resolved immediately. **The site should be completely impermeable and the sill installed by the 11th December 2015.** This breach has been recorded as a Category 3 on this occasion.

Area A was also checked.

Despite the drainage issues detailed above the site was in a relatively tidy state. ELVs within area A were stored tidily and not stacked on top of each other. The ELVs were parked in tidy lines with access around individual ELVs and easy access to them by forklift. Despite area B being full of ELVs they were not stacked on top of each other and there was an empty working area in front of the depollution area, therefore providing some space for any newly accepted ELVs.

Environment Management System

C2 - General Management - Management System & Operating Procedures - Permit Condition 1.1.1(a) - CAT 4

As has been mentioned in previous inspection forms and was discussed in more detail on site during the inspection your environment management system (EMS) needs to be updated to include all the changes that have happened on your site in the last months. Your current EMS is dated 28th September 2010 and is now out of date. Your EMS needs to be updated to include details such as how the site no longer operates from Area C, any changes to the ELV and other waste storage limits on site, changes to site layout, infrastructure and security, changes to plant/equipment on site (i.e. removal of mobile crusher/baler), any changes to procedures, and any other changes on site. This can be done either by amending the current EMS or by writing a new one. Once the EMS is complete you should ensure it is

dated and the version number updated. Full guidance to help write an EMS can be found online and the email accompanying this inspection form will include some links.

As the current EMS does not reflect the sites current infrastructure and operations a CCS score of 4 will be applied on this occasion. However, should no updated EMS be produced, then this score is likely to be increased to reflect the severity and perceived risks associated with the lack of an EMS. **I would therefore expect an updated EMS to be written and sent to me by the 11th December 2015.**

Technical Competence

I have looked at our records and found the qualification certificate for Neil. This says that he achieved his qualification in October 2012. This means that the certificate is currently valid. In order for it to stay valid he will need to sit the continuing competency test between now and 28th February 2016. He will then be covered for another 2 years. You can find more details on the test and how to book it on the WAMITAB website <http://www.wamitab.org.uk/pg/continuing-competence>.

Directly Applicable Legislation (DAL) **Hazardous Waste**

I reviewed hazardous waste consignment notes for the waste oil and the batteries removed from site. Other hazardous waste produced by the car depollution process, i.e. fuel, antifreeze, air con gas, screenwash, is reused where possible. I have provided a brief summary on each hazardous waste consignment note below. As copies of inspection forms are saved on the public register I have avoided mention of company names.

Consignment Note Code NTB558/00001 (dated 15th April 2015)

This consignment note is for Lead Acid Batteries 16 06 01 being sent to a site in Atherton. This site does not appear to benefit from an environmental permit. They do, however, operate under a couple of exemptions, a S2 exemption for storage of waste in a secure place and a T9 exemption for the recovery of scrap metal. The S2 exemption does allow the site to store up to 10 tonnes of batteries for a limited period prior to them sending them elsewhere for treatment.

Part A - No premises code listed. The consignment code should be made up of the premises code followed by a unique code for that consignment. NTB558 is not a valid premises code. The correct premises code MUST be used on all consignment notes. All contact details should include a postcode.

Part B - Most details seems to have been entered into this section of the consignment note.

Part C and D - These parts have been signed but not dated. There are also no times recorded. The carrier registration number that has been written down on the form is not correct. The current waste carrier registration number for Clwyd Breakers Ltd is CB/YE5738EJ/R004. This waste carrier registration expires on the 18th August 2016.

Part E - This part of the form has not been completed. You should have received consignee returns from the business you have sent the waste to by now. Consignee returns should be sent to both the waste producer and NRW once a quarter. They are meant to confirm in writing that the waste has been dealt with by the consignee appropriately. I have provided some more details on how the form should be filled out later in this form.

Consignment Note Code OLU877/34059M (dated 25th March 2015)

This consignment note is for waste oil 13 02 08 being sent to a site in Knowsley. The site in Knowsley benefits from an environmental permit that allows them to accept waste oil 13 02 08 at their site.

Part A - Whilst reviewing this consignment note it was observed that the premises code/hazardous waste registration number used in this consignment note (OLU877) expired on 14th August 2015. Our public register system does not show a new hazardous waste registration number. As the premises code was valid at the time the waste was consigned there are no issues. As you produce or store over 500kg of hazardous waste each year you need to ensure you are registered as a hazardous waste producer. This can be done on the NRW website. A link is provided in the accompanying email.

Part B, C and D - No issues with these parts of the consignment note

Part E - This section has not been completed. You should have received consignee returns from the

business the waste was sent to.

I have provided a brief summary of who is responsible for completing each part of the hazardous waste consignment note below. The five parts of the consignment note must be filled out in this order, by the appropriate person:

Before the waste is removed, the:

1. Producer (or holder) of the waste must complete Parts A and B on each copy of the note, and gives all copies to the carrier.
2. Carrier must check that journey origin and destination given in Part A, and the waste details given in Part B are correct. The carrier then enters their details in, and signs, Part C. All copies are handed back to the consignor.
3. Consignor (ie producer or holder) must then confirm that the information supplied to the carrier in parts A and B is correct, confirm that the waste hierarchy has been applied, check the carrier and vehicle details are correct, and sign Part D. The consignor keeps a copy and hands two back to the carrier.

After the carrier has removed the waste, the:

1. Carrier delivers the waste to the consignee with two copies of the note. The consignee checks the waste and the documentation, and either accepts or rejects the waste. The consignee completes Part E to show their decision, keeping one copy and handing one back to the carrier.
2. Consignee must, once a quarter, send consignee returns confirming receipt of the waste to the producer/holder identified in Part A2, and the Environment Agency.

Overall there are a number of issues with the hazardous waste consignment notes I received at the time of the inspection. Every effort should be made to ensure the forms are completed and that consignee returns are received from the sites you send your hazardous waste to. Of more concern is the use of an incorrect premises code and an incorrect waste carrier registration number in the consignment note relating to lead acid batteries. It is important that you ensure the correct unique consignment note code, the correct premises code and the correct waste carrier registration number are used on the consignment note. As the producer of the waste you are responsible for ensuring that parts A, B, C and D are correctly completed and failure to correctly complete a hazardous waste consignment note can result in a fixed penalty notice of £300.

On this occasion the failure to correctly complete hazardous waste consignment notes has been categorised a Cat 4 under DAL (Directly Applicable Legislation). DAL refers to an offence that is not considered a breach of the permit. As a result all offences recorded against DAL will not count towards the sites overall compliance score. However, should it be required, alternative enforcement action may be taken in regards to these offences. In this case the incomplete hazardous waste consignment notes are regarded an offence under Regulation 35 of the Hazardous Waste Regulations 2005. Should we decide to take further enforcement action regarding this issue then I will contact you separately.

Waste Transfer Notes

During the inspection I was provided with copies of waste transfer notes for wood, glass, tyres and metals. Unfortunately I was unable to carry out a full review of these notes as the copies do not seem to show all the information that is on the originals. As a result waste transfer notes will be requested again during the next visit to site.

If there are any questions regarding the above information please contact me on 0300 065 3806.

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.

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Operator/ Permit	Clwyd Breakers Ltd	Date	30/07/2015

Section 3- Enforcement Response	Only one of the boxes below should be ticked
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.	
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.	X
We will now consider what enforcement action is appropriate and notify you, referencing this form.	

Section 4- Action(s)			
Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
B1	C3	Concrete permeable strip of land in area B and install a sill along the edge of area B	10/12/2015
C2	C4	Update Environment Management System to take into account recent changes on site	10/12/2015

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 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 which 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 fulfill 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 (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 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 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 twenty 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 the officer's line managers. 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.