Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	Report ID: 102006/0218018

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	20/08/2014			Time in	10:05	Out 11:15
What parts of the permit were assessed	Permitted Area					
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op X	Water Discharge	
Recipient's name/position	Clwyd Breakers Ltd					
Officer's name	Andrew Sowerby, Rhys Ellis			Date issued	29/08/2014	

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	A		
	2. Closure & decommissioning	NA		
	3. Site drainage engineering (clean & foul)	A		
	4. Containment of stored materials	C3		3.1.3;
	5. Plant and equipment	A		
c) General management	**1**. Staff competency/ training	N		
	2. Management system & operating procedures	A		
	3. Materials acceptance	A		
	4. Storage handling, labelling, segregation	C3		2.5.1
d) Incident management	**1**. Site security	C4		1.1.1
	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	3	**Total compliance score** (see section 5 for scoring scheme)	8.1

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.

The future of Clwyd Breakers Ltd operations at Gardden Industrial estate have been uncertain for a number of months and as a result of this maintenance of the sites infrastructure has been delayed in some cases. After discussions with the landlord Clwyd Breakers Ltd will now be staying at Gardden Industrial Estate. However, some changes have been made to their arrangement with the landlord.

- Area C has been cleared and the landlord, Trevalyn Estates, will be renting this land to another company,
- Clwyd Breakers Ltd have been informed that they may continue to operate on Area A for at least a further twelve months and Area B for at least a further 3 years,
- The landlord has instructed Clwyd Breakers that the baler must be removed from site.

Clwyd Breakers Ltd asked for information regarding the reduction of the permitted area, i.e. to remove Area C, and about increasing the size of Area B. This information was provided in an email sent on 20th August 2014.

The number of ELVs on site has been greatly reduced over the last few months. This has resulted in the site becoming much tidier and more structured.

Observations

The drainage in Area B by the top gate needs to be looked at to ensure that there are no discharges, especially during bad weather, to the nearby surface water drains. This has been mentioned in previous inspection forms. Due to issues regarding future occupancy on site there was reluctance to invest in further improvements to infrastructure on site. Now that these issues have been resolved we would expect any outstanding problems with the drainage to be resolved.
Please provide me with, in writing, a date by which this work will be completed and what work you intend to do. I would expect these details by the 8th September 2014. No obvious runoff from area B to the surface water drains was observed during this inspection.

It was observed that there was quite a large amount of oily waste stored in area B. This waste was discovered when the baler was removed from site. Removal of the baler also resulted in quite a bit of residual oil getting onto the concrete impermeable surface in Area B though most oil was contained within a small bund located under where the baler used to be. Whilst the drainage in this area is all sealed which would mean that most of the oily runoff would pass through the oil interceptor, a small amount of the oil on the ground will get tracked off site either on vehicle wheels or on shoes. It is therefore important that any oily waste is either stored within a designated sealed container to reduce risk of runoff or removed from site. I was informed on site that arrangements had been made to remove the oily waste within the next week or so. I was also informed of the intention to clean up the impermeable surface within area B. **The site will be visited in September to confirm that this has been done.**

You should be aware that if these issues are observed in the future they may be regarded as a breach of the permit and a score applied.

Breaches

B4 *infrastructure – containment of stored materials – CAT 3 – Permit condition 2.1.3*
Condition 3.1.3 states that "All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment," Please ensure that all drums and other containers within the bunded area are kept completely within the bund. I observed one drum against the back wall of the bunded area that was not being stored entirely within the bund.

The bunded area was also observed to contain quite a lot of oily water. I was informed that this was due to a leak in

the roof over this bunded area. You should empty the bunded area to ensure that it still has the capacity to hold 110% of the liquids contained within it. Measures should be taken to prevent ingress of rainwater into the bund. As it is regarded as reasonably foreseeable that an impact to the environment could occur if the drum leaked or the bund overflowed we have applied a Cat 3 breach.

C4 *general management - storage handling, labelling, segregation - CAT 3- Permit condition 2.5.1*
Condition 2.5.1 refers to meeting the requirements of article 6(1) of the End-of-Life Vehicles Directive. It was observed that airbags had not been removed or deployed in ELVs stored on hardstanding on site. The directive states that you must remove or neutralize potential explosive components (e.g. Airbags). This must be done on an impermeable surface with sealed drainage. All vehicles stored on hardstanding on site must have the airbags either removed or deployed. **I would expect to see all ELVs not on an impermeable surface with sealed drainage with airbags removed or deployed by the 31st October 2014 at the latest**. As a result of this a category 3 breach will be recorded on this occasion..

D1 *incident management – site security – CAT 4 – Permit condition 1.1.1 (a)*
Condition 1.1.1(a) refers to your Environment Management System(EMS). Within your EMS in Section 2.4 you specify how areas A and B will be made secure with fencing. During the inspection it was observed that the fences in areas A and B were damaged in places. Please ensure that this fencing is repaired so as to make the site secure again. This breach is considered to be a category 4 due to the fact that there is likely to be no impact to the environment. **Please ensure that the fence is fixed by my next inspection on the 17th September 2014.**

During the inspection we discussed the need to remove/drain shock absorbers from ELVs. In summary:

The position regarding the need to remove or drain shock absorbers before an ELV is moved from impermeable surface to hard standing has changed. Both the Environment Agency and Natural Resources Wales have agreed that because pollution risk is low we will allow the un-drained shock absorbers to stay on the ELV where it facilitates reuse of the part. The ELV can then be stored with other de-polluted vehicles.
However, before the ELV is removed from site the shock must to be removed or de-polluted by drilling and draining on an impermeable surface with sealed drainage. Before the ELV is crushed or taken elsewhere for shredding it must be fully de-polluted in accordance with the ELV Directive. If it is not then it is hazardous waste and consignment procedures will need to be followed. However, we are aware that this approach could potentially be abused by the ELV sector and should this happen this position could be reassessed and removed.

With the changes that will be happening on site over the next few months you will need to update your Environment Management System (EMS). The updated EMS should reflect any changes in the sites boundary, layout and operations. Once the EMS is updated then please forward a copy to me. I have also observed that there is no information regarding the bunded area and any checks you may carry out concerning it within the EMS. You should include this in any updates you do.

If you have any questions regarding the above please contact me by email or on 01244 894510

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	20/08/2014

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.	X
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			
B4	C4	Ensure all drums are stored completely within the bunded area and measures taken to prevent ingress of rainwater to the bunded area.	Asap
C4	C4	Airbags removed from all ELVs not stored on an impermeable surface with sealed drainage	31/10/2014
D1	C4	Fix any gaps in the fencing on areas A and B	17/09/2014

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.