Compliance Assessment Report

Report ID:I/121221/102006

Name of site	Clwyd Breakers Ltd	Operator / Permit holder	Clwyd Breakers Ltd	Permit ref no.	102006
Officer	Andrew Sowerby, Rachel Twiss	Date	21/12/2012	Area / office	Wales (N) - Buckley
Activity	Vehicle depollution	Time in/out	10:15 / 11:15	Event type:	[X] Routine [ ] Incident [ ] Other

Assessment type: [X] Site inspection [ ] Audit [ ] Check monitoring/sampling [ ] Report / data review [ ] Procedure review

Site life status: [X] 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) NA = Not Applicable 1, 2, 3, 4 = CCS cat 1–4 breach ATL = Approach to limit N = Not assessed

										Conditions breached
a) Permitted activities	1 C3									2.3.1;
b) infrastructure	1 A	2 NA	3 A	4 A	5 N					
c) General management	1 N	2 C3	3 A	4 A						1.1.1;
d) Incident management	1 N	2 N								
e) Emissions	1 N	2 C3	3 C3	4 N	5 A					3.1.1;
f) Amenity	1 A	2 A	3 A	4 N	5 N					
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.	[X]	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. [N]

Report delivery method: [ ] copy left on site [ ] posted [X] emailed [ ] faxed Date 02/01/2013

Comments

Visit report/comments

This visit was pre-arranged to have a look at the site and observe any improvements following the inspection on 27/11/2012.

Following the last inspection improvements have been made to the waste oil storage area. Containers are stacked in a much better manner within the bunded area and the bund wall has been checked to ensure it is sealed. It was mentioned on site that you intend to use bigger containers (i.e. IBCs) within the bunded area instead of lots of small containers which would hopefully make management of waste oil within this area easier. You are also planning to install a sleeping policeman across one of the gates to Area B to try and prevent the possibility of future run off of contaminated water to the surface water drain in the road.

A check of waste cars was made within Area A. All waste vehicles were observed to be fully depolluted.

Breaches

a1 - Condition 2.3.1 states that the activities shall not exceed beyond the site, being the land edged in green on the site plan attached to the permit. We observed one vehicle being stored outside the permitted area. We consider this breach to be a CCS category 3. This is not the first time that this permit breach has been recorded and you have already been informed that enforcement action is being considered.
Action - I suggest you do everything you can to ensure that all waste vehicles are stored within the permitted area in the future.

PTO

Officer's Signature	Recipient's name or position within company
A. Sowerby	Neil Bennett

Continuation sheet used **Yes** No of Pages 3 CCS record number 189552

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

c2 - There is an Environment Management System (EMS) in place on site. See Condition 1.1.1(a) of the permit. This EMS was put together by Oaktree and yourselves and details how activities are managed and operated on site. It is supposed to identify and minimise risks of pollution. From our observations on site the EMS does not appear to be implemented adequately. The EMS is referred to in your permit and is therefore considered part of the permit. Any changes to operation or activities on site should be detailed in the EMS and the Environment Agency informed.
Your EMS details how waste vehicles will be stored, how they will be depolluted and what actions will be undertaken in the event of spillages on site. You need to be fully aware of what your EMS says and be able to comply with it. No actions were being taken at the time of the inspection to deal with any spillages from the site. You should refer to part 6.3 of your EMS for spillages. This breach is considered a CCS category 3.

e2 & e3 - Condition 3.1.1 states that fugitive emissions of substances (excluding odour and noise) shall not cause pollution. The operator shall not be taken to have breached this rule if appropriate measures, including, but not limited to, those specified in Table 3.1 and any approved fugitive emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions. Oil was observed on the surface water draining off Area A . This will have resulted in contamination to land on Area A and any contaminated water that entered the surface water will have discharged to a watercourse. This is considered to be a CCS category 3 breach.

Discussions were carried out regarding how best to stop this emission from Area A. It is suggested that the main reason for this ongoing problem is a ditch that runs along the back of the site behind the earth bund. This ditch became blocked at some point in the past and this has resulted in excess surface water causing the back corner of this area to become flooded and a constant flow of water to the surface water drain located in the road between Area A and B. Clwyd Breakers have proposed to clear the cars out of part of Area A in order to gain easy access to the rear of the site. They will then determine the exact cause of the flooding/constant flow of water and take whatever action is required to stop it affecting Area A. It was agreed that this work would be completed by 21st March 2013 (3 months). If there are any problems encountered that may result in the work not being completed by this date then please contact me as soon as you can to discuss. In order to see how this work is progressing I plan to visit the site before the deadline.

You should be aware that these breaches all contribute to an overall compliance rating which in turn affects your subsistence fees. You should also be aware that if the Environment Agency believes that activities on site are having a serious impact to the environment then we may consider revoking your Environmental Permit.

If you have any questions regarding the report please contact me.