

Compliance Assessment Report

Report ID:
CAR_NRW0026832

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

Site	Clwyd Breakers Ltd	Permit Ref	NP3290VM			
Operator/Permit holder	Clwyd Breakers Ltd					
Regime	Waste Operations					
Date of assessment	13/12/2016	Time in	14:00	Out	15:20	
Assessment type	Site Inspection					
Parts of the permit assessed	Permitted Area					
Lead officer's name	Sowerby, Andrew R.					
Accompanied by	Lang, Vanessa					
Recipient's name/position	Neil Bennett/ Owner/TCM	Date issued	10/08/2017			

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	C2	2.4.1
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	C3	3.1.3
	C3	1.1.1
C1 - General Management - Staff competency/training	C3	1.1.4
C2 - General Management - Management system and operating procedures	A	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3	2.3.1 (Table 2.3)
D1 - Incident Management - Site security	A	
E1 - Emissions - Air	A	
E2 - Emissions - Land and groundwater	A	
E3 - Emissions - Surface water	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F5 - Amenity - Deposits on road	A	

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	5	Total compliance score (see section 5 for scoring scheme)	47
-----------------------------	---	---	----

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

Comments

Site Inspection undertaken with Waste Regulation Team Leader Vanessa Lang. The site inspection was pre-arranged. The main objective of the site inspection was to confirm if a number of actions highlighted in the inspection form for the visit on the 7th November 2016 (Ref – CAR_NRW0026631) had been completed by the deadline (13th December 2016). These actions included:

- Ensuring no waste vehicles were stored outside the permitted area
- Ensure all End of Life Vehicles (ELVs) within Area A had been fully depolluted
- Ensure any spills and leaks have been cleaned up.
- All parts should be stored either on racking or in designated containers.
- The bunded area to have been fully sealed
- All depollution activities undertaken within the depollution building.

During the site inspection a total of 5 breaches were observed and these have been detailed both in the text below and in a summary at the end of the report.

It is important that this inspection report is read and if there are any questions regarding its contents then you should contact your regulating officer, Andrew Sowerby, as soon as possible.

Waste Outside The Permitted Area

A number of cars and vans were observed parked outside the site. Most of these vehicles did not appear to be waste and we were told they were employees vehicles.

There were, however, three vans that we highlighted as a concern.



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5

Photo 6

The first vehicle was a blue van (see Photo 1). This was observed in the same location during the last site inspection on the 7th November 2016. The blue van was observed, on both occasions, to be full of car parts. During the inspection on the 7th November 2016 we were informed that this van was not waste and was due to be sold as a van. During this site inspection we were informed that the blue van belonged to an employee who was currently on holiday but that it would be moved when they returned.

Photos 2, 3 and 4 show a grey van parked opposite the gate to area B. We were informed that this van belonged to Clwyd Breakers and had been SORNed but was not regarded as waste. It was waiting to be repaired. However, we believe it to be waste due to its condition and the manner in which it was being stored/used. It was observed that the side door was not attached, headlights had been removed from the vehicle and when we looked inside the cab of the van the steering wheel had been removed. We also saw that the van had been filled with vehicle parts both in the rear section and some in the cab of the van. As a result this van is regarded as waste and as an undepolluted ELV it should be stored within the permitted area on an impermeable surface with sealed drainage.

Photos 5 and 6 show another van that had been left half in and half out of area B of the permitted area. This van was also full of car parts. We were informed that this van had only recently been received at the site and that the car parts had been inside the van when it was received. All waste ELVs and waste accepted by the site needs to be stored completely within the permitted area. The van was also stored in an area that is of some concern to us as the gradient of that part of the site suggests that any surface water would drain off site to a surface water drain. This means we would not consider this part of area B to have sealed drainage.

In addition to the above vans we also had concerns regarding the storage of some of the other waste both on and off the site.



Photo 7

Photo 8



Photo 9

Photo 7 shows what seems to be ELVs overflowing out of the site and onto the large earth bund that runs along the northern boundary of area B, behind the bunded area. We were informed that these ELVs should have been fully depolluted. This earth bund is outside the permitted area. Photo 8 also shows what appears to be waste tyres behind the depollution building also on the earth bund outside the permitted area. No waste accepted by Clwyd Breakers Ltd should be stored outside the permitted area.

Photo 9 shows a number of containers stored on the car park to the north of Clwyd Breakers boundary and alongside Haywards. All these containers contained oily car parts which had come from Clwyd Breakers Ltd. We were informed that these oily parts had been transferred to Jeremy Wells. Mr Wells was apparently sorting through the oily parts before taking them to Haywards. During a conversation with Mr Wells we were told that these metal parts were being stored in this location until he could take them to Haywards. There did not seem to be any record of waste transfer notes to show that this waste had changed hands. If there are any waste transfer notes these would need to be completed at the time the waste changed hands. As we cannot be certain the waste has changed ownership we must consider it to still belong to Clwyd Breakers and that it is being stored outside the permitted area. If this is not the case we will need to see some evidence, i.e. valid waste transfer notes for all waste sent to Mr Wells.

Following a search of our public register we have not been able to find any record of a waste carrier registration under the name of Jeremy Wells. In order for Mr Wells to transfer waste from one permitted site to another he should be a registered waste carrier. He would also need to have an environmental permit to store and treat car parts, especially if they have been contaminated with oil. You need to ensure that any waste that leaves your site goes via a registered waste carrier or is sent to suitable permitted waste site. Failure to carry out these basic duty of care checks can be regarded as an offence.

For the reasons detailed above we believe that waste ELVs, waste tyres and waste car parts were being stored outside the permitted area and as such the below breach will be recorded

A1 – Specified by permit – Condition 2.4.1 – CCS Cat 2

Condition 2.4.1 of your environmental permit states that “The activities shall not extend beyond the site, being the land shown edged in green on the site plan attached to the permit.”

Despite the number of ELVs outside the permitted area being lower than observed in the past there is still believed to be significant risk to the environment from the storage of the other waste types (including oily car parts) outside the permitted area. A CCS Cat 2 breach has therefore been applied.

All effort now needs to be taken to ensure that all waste outside the permitted area is removed and that no more waste is ever found outside the permitted area again. Ensuring this should be regarded as a priority. Enforcement action is already being considered for previous permit breaches of this nature and we will now have to consider if any further action may be required.

Vehicle Depollution

ELVs were checked within area A of the site. Only depolluted ELVs should be found in this part of the site. The only hazardous components they are allowed to still contain, due to a Wales wide NRW position, are shock absorbers that haven't been drained and airbags. ELVs were checked randomly. All the ELVs that were checked appeared to have been drained of liquids and were therefore considered to have been depolluted. We were assured that shock absorbers were either drained or removed and airbags deployed or removed prior to the ELV leaving site and being sent next door to Haywards for baling.

We encountered some problems whilst checking the ELVs in area A in that many of the ELVs did not have an oil dipstick. This made it difficult to check if the ELV had been drained of engine oil. Another problem encountered was that we were unable to open the bonnet on many of the ELVs. The site was asked to try and ensure oil dipsticks remain with the cars and were also told that we would expect any stuck car bonnets to be forced open during any future compliance visits to enable us to carry out our checks.

Despite no undepolluted ELVs being found within area A, it should be pointed out that the white van shown in photos 5 and 6 above was not being stored in an area with sealed drainage. This could therefore be regarded as a breach. As the inappropriate storage of this ELV has been scored under criteria A1 no further breach will be applied for this on this occasion. However, in future you will need to carefully ensure that all undepolluted ELVs are stored in a location which is both impermeable and has sealed

drainage, whether on area A or B.

All Oil leaks and Spills Cleaned Up

Although a faint oil sheen was observed on the surface of puddles on area A there was no sign of any significant oil leaks or spills.

Parts Stored on Racking or in Designated Containers



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15

B4 – Containment of stored materials – Condition 1.1.1 – CCS Cat 3

Permit Condition 1.1.1 states that “The operator shall manages and operate the activities: (a) in accordance with a written management system.....”.

The Environment Management System (Version 2, dated 22nd September 2016) in section 4.6(d) states “salvaged engines and other parts will be stored on the racking or in designated containers”. This breach has been observed and scored as a Cat 3 on the last two inspections (19/08/2016 and 07/11/2016). On both those and this occasion it was observed that many car parts (and cars) were both scattered over area B and piled up in a large mound where the old baler used to be located. It was also observed that car parts were being stored inside waste vehicles. See Photos 10 to 15.

The mound of waste car parts did look to have decreased in height since the last inspection and we were informed on site that effort had been made in the last couple of weeks to try and reduce the amount of waste. We were informed that staff had been working very hard sorting through the waste pile to try and reduce the quantities. The task, however, has taken longer than expected. As a result there was still a large amount of waste on the site. We were told that the waste car parts etc were being sent to I Haywards Ltd. Haywards need to be wary of the level of oil contamination on these car parts. If the oil contamination is too high, as I would consider likely from my observations, then these car parts should be regarded as hazardous waste. This would mean that you would need to ensure that they are sent to a suitably permitted site (i.e. one that can accept oil contaminated parts) and that the waste is accompanied

by a hazardous waste consignment note.

As the parts are still not being stored on racking or in designated containers and oily parts were still lying on the ground or in a mound a CCS Cat 3 breach has been applied.

How long it would take to clean up all these parts was discussed on site. Taking into account this conversation and the Christmas period between the inspection and the report form being issued **I would expect to see all car parts etc being stored appropriately by 28th February 2017**. Failure to have completed the clean up in this timeframe is likely to lead to further enforcement action. Waste transfer notes or hazardous waste consignment notes for all the waste sent off site need to be kept.

Bunded Area

B4 – Containment of stored material - Permit Condition 3.1.3 – CCS Cat 3

Permit 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, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container”

During the site inspection on the 19th August 2016 the bunded area was observed to have not been fully sealed. On the 7th November it was observed that work had been started to seal the bunded area and that around half of it had been done. We were informed at the time that the rest of the bund would be sealed either later that day or the following day and as the work had been started and was due to be completed imminently it was decided that we would not regard this as a breach on this occasion. However, during this site inspection we observed that no further work had been done to the bund since the last inspection, i.e. only half of it had been sealed.



Photo 16



Photo 17

We also observed liquid containers and an oil drum to be stored haphazardly within the bund. The oil drum had been placed on the wall of the bund and was not completely within it (see Photo 16 above). As the bund had not been sealed and liquid containers and a drum were being inappropriately stored a CCS Cat 3 breach has been applied. **We would expect to see the bund completely sealed and all potentially polluting liquids stored appropriately by the 28th February 2016.**

Depollution Activities Undertaken Within the Depollution Building

We were informed on site that all ELVs are depolluted within the depollution building (see Photo 17 above). We were told that any newly accepted ELV will be depolluted within the building following arrival at the site. The ELV is then stored either on area A or B and then once it is deemed to have no further value for parts etc and before the ELV is sent off site to I Haywards Ltd the ELV is returned to the depollution building to have the shock absorbers drained (if they haven't been removed) and to ensure the airbags have been deployed or removed. I was told that no ELVs are depolluted outside the depollution building.

Other Issues on Site

Battery Storage



Photo 18

C4 – Storage, handling, labelling and segregation – Permit Condition 2.3.1 (Table 2.3) – CCS Cat 3

Permit Condition 2.3.1 of the permit refers to Table 2.3. Within Table 2.3 it states “Lead acid batteries shall be stored in containers with an impermeable, acid resistant base and a lid to prevent ingress of water”.

Storing car batteries on a pallet on the ground on area B is not considered to be appropriate (see Photo 18). These batteries should be stored within a sealed battery box with a lid on it. The oil interceptor that area B drains into is not capable of dealing with battery acids. As a result of not complying with the above condition a CCS Cat 3 breach has been applied. **You must ensure that any car batteries on site are stored according to the permit as soon as possible and certainly no later than by the 28th February 2016.**

Environment Management System (EMS)

The sites EMS was mentioned during the site inspection. However this was not a priority as the deadline provided in the last inspection form (CAR_NRW0026631) by which we expect to see it updated is the 31st January 2016. A list of comments regarding the EMS was provided in the last inspection form. This deadline still stands.

Continuing Competency Test

C1 – Staff Competency/ training – Condition 1.1.4 – CCS Cat 3

Condition 1.1.4 of your permit states “The operator shall comply with the requirements of an approved competence scheme”.

As has been detailed in previous inspection forms the technically competent person for the site is currently Neil Bennett. Neil Bennett’s WAMITAB certificate expired at the end of February 2016. There have been repeated reminders to renew this certificate and advice has been provided on how to go about doing this. During the site inspection we asked what the current situation was with regards to Neil sitting the continuing competency test. We were informed that Neil had been enrolled onto a test on the 22nd December 2016. I requested that we be updated on the results as soon as they were received and a deadline by which I expected to hear anything was set in the last inspection form as the 31st December 2016. As nothing was heard I also emailed Clwyd Breakers on the 4th January 2017 for an update but have so far not received a reply. I have also been in contact with WAMITAB to check if the certificate has been issued and there is no record of this being done.

As there is no technically competent person at the site a CCS Cat 3 breach has been applied. **As I have detailed previously you should now ensure you arrange cover by another appropriately technically competent person who should attend site for the minimum required amount and they should also ensure that their attendance is recorded in the site diary.** The amount of time the technically competent person should be on site is detailed within a document entitled “How to Comply With Your Environmental Permit”. A copy of this document can be found on our website. I shall provide a link in the email accompanying this form. **This cover should be in place until Neil has received his continuing competency certificate. This cover needs to be arranged immediately and I would expect to see the technically competent persons certificate by no later than 28th February 2017. I will also be checking that persons record of attendance during any future site inspections.**

Hazardous Waste

As has been mentioned above the movement of the oil contaminated parts and any other hazardous waste will need to be accompanied by hazardous waste consignment notes. Whilst it is the responsibility of the waste producer to assign waste codes to the waste they produce, if they fail to consign hazardous

waste correctly it is regarded as an offence and the waste producer may then face enforcement action. If you are unsure whether the waste is hazardous or non-hazardous then it must be deemed as hazardous. If you produce over 500kg of hazardous waste on site then you will need to register as a hazardous waste producer. This is something that I know you are aware of as you have been reminded of it in the past. You have also been informed in the past that the hazardous waste producer registration only lasts for 12 months. After the 12 months the registration needs to be renewed. A quick search on our public register seems to indicate that you are not currently registered as a hazardous waste producer. **You therefore need to ensure that you are registered as a hazardous waste producer as soon as possible.**

Summary

- Ensure any waste ELVs and other waste is removed from outside the permitted area and that any waste is kept within the permitted boundary of the site. This must be done immediately and you must ensure that no waste is found outside the permitted area again.
- All waste sent off site should be accompanied by a waste transfer note or a hazardous waste consignment note that should detail either the permitted site the waste has been sent to or the registered waste carrier who has taken the waste away.
- No undepolluted ELVs were found within area A on this occasion, however we were unable to check a number of the vehicles in the area due to missing dipsticks or jammed car bonnets. We would expect to be able to fully assess all cars on site during our next inspection.
- All effort should be made to clean up any oil leaks or spills, no matter how small.
- The mound of parts and any loose car parts lying around the site must be stored appropriately by the 28th February 2017. This will mean that all parts should be stored in designated containers and any oil contaminated parts should be stored on impermeable surfaces and ideally with some sort of cover to ensure no oil runoff.
- Ensure the bunded area is completely sealed and that all potentially polluting liquids are stored appropriately within it.
- Ensure all depollution activities are carried out within the depollution building. You also need to ensure that this area has sealed drainage to ensure no contaminated runoff leaves the site.
- Ensure any batteries on site are stored within an appropriate sealed container either with a lid or undercover by the 28th February 2017.
- EMS to be reviewed and updated by the 31st January 2017
- Register as a hazardous waste producer as soon as possible.
- Arrange for a suitable qualified person to provide technically competent cover for the site, at least until Neil Bennett has passed the continuing competency test. This needs to be done immediately and the arrangement will be checked during our next site inspection.

Summary of CCS Scores Applied In This Form

A1 – Category 2 non-compliance – 31 points

B4 – Category 3 non-compliance – 4 points (there were 2 of these breaches but the score shall only be applied once)

C1 – Category 3 non-compliance – 4 points

C4 – Category 3 non-compliance – 4 points

Total – 43 CCS points

Recent site inspections have shown a significant deterioration in the general organisation at the site and this has resulted in a large number of breaches being recorded over the last few months. As has been discussed in the past it is our belief that many of these breaches are as a result of too many ELVs being stored on site and as a result of the quantities, and the resulting lack of space in which to manoeuvre and store waste, the site has become extremely difficult to manage. This has led to ELVs being stored outside the permitted area, lack of proper depollution, inappropriate storage of waste car parts etc. As a result you are strongly advised to design and implement new procedures on site to prevent the above breaches occurring again. These should be included in the sites new EMS due on the 31st January 2017.

Whilst we have observed some improvements as time has passed, i.e work has been done to ensure ELVs

in area B have been depolluted, less ELVs have been observed outside the permitted area, bunded area has seen some improvements and work has begun on decreasing the large pile of car parts on site, these improvements have not resulted in a big enough decrease in the overall observed compliance scores observed during inspections. As a result of the breaches over the last 12 months the overall compliance banding for the site has been significantly affected and the sites subsistence fees this coming year will be significantly greater than last year. Due to the many breaches we now have to consider if further enforcement action against the company and individuals is required.

As a result of the recent issues observed at the site you are strongly encouraged to do everything you can to ensure the site is as compliant as it can be with the environmental permit by the deadlines highlighted above. As discussed on site the failure to comply with these deadlines will be taken seriously and continued non-compliance with the permit may result in prosecution and revocation of the site's environmental permit. If you have any problems with any of the deadlines highlighted you should submit these in writing (letter or email) to Andrew Sowerby as soon as possible.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0026832**

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

Site	Clwyd Breakers Ltd	Permit Ref	NP3290VM
Operator/Permit holder	Clwyd Breakers Ltd	Date	13/12/2016

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			
B4	C3	Bund wall needs to be sealed and all potentially polluting liquids need to be stored within secondary containment.	28/02/2017
B4	C3	Parts must be stored on racking or in designated containers and oily parts should be stored in areas with sealed drainage and undercover	28/02/2017
A1	C2	No waste should be stored outside the permitted area at any time	28/02/2017
C1	C3	You need to ensure you have a technically competent person at the site who	28/02/2017
C4	C3	Ensure batteries are stored in a sealed battery box and that the box remains covered.	28/02/2017

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. 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.