

Compliance Assessment Report

Report ID:
CAR_NRW0026631

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	07/11/2016	Time in	10:10	Out	11:10	
Assessment type	Site Inspection					
Parts of the permit assessed	Permitted Area and Environment Management System					
Lead officer's name	Sowerby, Andrew R.					
Accompanied by	White, Steven					
Recipient's name/position	Neil and Joanne Bennett/ Owners/Director	Date issued	24/11/2016			

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	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B4 - Infrastructure - Containment of stored materials	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	C2	2.5.1
D1 - Incident Management - Site security	A	
E1 - Emissions - Air	A	
E2 - Emissions - Land and groundwater	C3	3.1.1
E3 - Emissions - Surface water	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	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	4	Total compliance score (see section 5 for scoring scheme)	43
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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

The site inspection was pre-arranged with Neil and Joanne Bennett. The inspection was, therefore, not a surprise to the site operators who knew the date and time of our arrival. Environment Officer Steven White and I attended site. The main purpose of the visit was to ensure there were no waste ELVs outside the permitted area, ensure ELVs had been fully depolluted before being stored on area A and to discuss the sites latest Environment Management System (version 2 dated 22nd September 2016).

As we arrived on site we observed a member of staff sweeping up along the perimeter of the site and we also noticed the grab on site placing waste cars on top of a large pile of scrap waste along the northern fenceline of area B.

We met both Neil and Joanne Bennett on site.

4 CCS breaches have been recorded during this site inspection. Details of these breaches can be seen below.

Waste ELVs Outside the Permitted Area

A couple of vans were observed outside the permitted area that we suspected may be waste vehicles (see photos 1 and 2). However, when we asked it was explained that these vans were not waste and had been sold as vans. In order to make the distinction clear I would recommend that vehicles that have been sold are either stored in a designated area or labelled in some manner. You should also try to ensure you have any relevant paperwork available (i.e. who the vans have been sold to and receipts etc) so that it can be checked if needed. None of the other vehicles parked outside the permitted area had the appearance of a waste vehicle.



Photo 1



Photo 2



Photo 3

Some concerns were raised due the lack of space in area B for receiving any new ELVs onto site. Space within area B was very limited and it was observed that ELVs had been stacked on top of each other and on top of the large pile of scrap metal (see photo 3) just to make what space there was. When I asked if the site was still accepting new ELVs onto site I was informed that they had stopped until some order had been re-established. However, as we left we did observe a truck delivering a new ELV to site. This ELV was being offloaded outside the permitted area along the boundary fence. How ELVs are brought onto and left on site needs to be reviewed to ensure they are not left outside the permitted area. The lack of space was discussed on site and we were told that the plan is to remove much of the waste on area B and create some dedicated fenced off space to store incoming waste ELVs.

Vehicle Depollution

A number of randomly selected ELVs were checked on area A. The checks undertaken were very basic and included checking oil and other liquid reservoirs and checking for the presence of oil filters and batteries. When compared to the site inspection on the 19th August 2016 it was observed that some effort had been made to ensure that ELVs in area A were depolluted. However, a significant number of ELVs were observed that had only been partially depolluted and as a result the following breach has been recorded.

Breach

C4 – Storage, handling, labelling and segregation – Condition 2.5.1 – CAT 2

Permit Condition 2.5.1 refers to article 6(1) of the End-of-Life Vehicles Directive. The directive specifies that prior to treatment ELVs should be stored on an impermeable surface with sealed drainage. Therefore no undepolluted ELVs should be stored on the permeable hard-standing within area A.

The below photographs show some of the observations.

Photos 4, 9, 10 and 11 show reservoirs that still contain potentially polluting liquids such as screenwash, coolant and gearbox oil/power steering fluid. Photo 8 shows a dipstick that is covered in oil. This demonstrated that the car the dipstick was taken from still contained engine oil. Finally photos 5, 6 and 7 show that oil filters still present in the waste cars.

The issues were highlighted on site and we were informed that the ELVs in area A would be checked again to ensure they have all been depolluted. It is advised that all staff that depollute ELVs read the relevant guidance to ensure they are aware of everything that needs to be done to ensure ELVs are fully depolluted.

Whilst an attempt has been made to depollute the ELVs it is still a concern that such a significant number of cars within area A have not been fully depolluted and for this reason the breach is deemed a CCS Cat 2. **I would expect all ELVs within area A to be fully depolluted at the time of my next inspection on the 13th December 2016.**



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11

Environment Management System (EMS)

Discussed the EMS submitted to NRW on the 10th October 2016. This EMS is version 2 dated 22nd September 2016. A number of comments were made regarding this version of the EMS. I have listed some of the comments discussed below and have added further comments you may wish to consider for any updates to the EMS.

1.1.3 - The details for the consultant are probably no longer required in any future updates to the EMS.

You could state that the consultant wrote version 1 but it should probably be made clear that any further amendments to the EMS were made by yourselves. You should also include out of hours contact details that could be used in an emergency when no staff are on site.

1.5.1 – The breakdown of the waste types should include the maximum quantities or numbers stored on site. With the issues of space at your site you should ensure this is as realistic as possible

1.5.2 states that “vehicles will be stored until all user serviceable parts have been removed”. You may want to consider adding something about removing vehicles from site to make space etc.

1.6.1 – Ensure that the number of staff is accurate.

1.8.1 – Update this section to include details about the WAMITAB certificate Neil has, i.e. any course codes and relevant dates.

2.1.1 – The old permit and exemption are no longer relevant. Site should be constructed and operated in accordance with the current permit.

2.3 – You may want to refer to any new signs erected to deter flytipping of waste.

2.4 – Update this section in terms of any improvements to the fencing that have been carried out on site. Amend the part about area C to say that it is no longer in your control.

2.10.1 - Amend section about area C to say that it is no longer rented by Clwyd Breakers Ltd. You may also want to amend the section about area B to mention any of the proposed actions to keep newly accepted undepolluted ELVs separate from other ELVs in a designated area.

2.11.1 – Mention of any improvement works to the drainage system in area B should be detailed here.

2.12.1 – Try to keep the list of equipment on site updated.

Ideally Section 3.0 should include more detail about how ELVs are accepted onto site and assessed, how they are stored at all stages of the process and what action will be taken if the site accepts more ELVs than it has space for.

Section 3.3 mentions acceptance criteria. Are these listed anywhere?

Some vehicles are also sold, i.e. the two vans mentioned at the beginning of these comments. How will these be clearly identified?

In Section 4.0 the processing and storage operations are discussed. Since the time the original EMS was written there have been some changes in terms of position statements regarding the depollution of shock absorbers and airbags. These changes should be detailed within this section and detail on how ELVs will be checked they are fully depolluted before they leave site. This section also mentions the use of a mobile crusher /baler. My understanding is that ELVs are no longer baled on site.

4.7 – the amounts will need to be amended to take into account the loss of area C. These quantities should be as accurate as possible.

Section 5.0 could be a good area to mention any actions you have or will take in the event of flytipped ELVs or cars found outside your site. You should also use this section to detail how litter (i.e. car parts) is dealt with on the site. It may also be worth mentioning what measures will be taken if excessive numbers of ELVs are accepted onto site again.

Site plans are referred to within the EMS. These should be updated where needed and the correct references included in the document.

At first the list above probably seems quite extensive and when you are reviewing and updating the EMS

more amendments may be needed. However, many of the changes above should be quite simple and quick to make. If you have any questions please get in touch. **You should try to get any amendments completed as soon as possible and I would like to see the final version of the updated EMS no later than the 31st of January 2017.**

Further Breaches Observed on Site

E2 – Emissions to Land & Groundwater – Condition 3.1.1 – CAT 3

Condition 3.1.1 of the Environmental Permit states that “Emissions of substances not controlled by emission limits (excluding odour) 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 any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.”

During the inspection the oil spill shown in photo 12 below was observed. The location of this incident was on area A which is not an impermeable surface with sealed drainage and as a consequence the oil spill will have soaked into the ground. The spill suggests that the engine oil came from the part dismantled ELV. It also suggests that this ELV may not have been fully depolluted. At the time of the inspection no action had been taken to clean up this spill. The spill was highlighted to a member of staff as Neil and Joanne Bennett had not accompanied us on that part of the inspection. Due to the quantity of oil that has been spilt it is likely that this area of ground will need to be dug up and the oil contaminated soil disposed of to an appropriately permitted site. This breach has been deemed a CCS Cat 3 on this occasion.

It is very important that all appropriate action is taken to both prevent further emissions and to tidy up any spills that have occurred. This action should be taken immediately. If customers are unaccompanied on site then staff need to undertake regular site inspections to ensure that incidents of this nature are dealt with as soon as possible.



Photo 12

B4 – Containment of stored materials - Condition 1.1.1 - CAT 3

Permit Condition 1.1.1 states that “The operator shall manage 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 that “Salvaged engines and other parts will be stored on the racking or in designated containers”. Like during the last inspection in August 2016 it was observed that there were many car parts (and cars) either scattered all over area B or piled up in a large mound where the old baler used to be located (see Photo 3 above).

All parts should be stored either on racking or in designated containers. Leaving oily parts lying on the ground or in a large mound will lead to oily runoff and has probably contributed to much of the oily residue on the concrete ground. It is also regarded as untidy and bad practice. **All parts must be stored**

appropriately by the next site inspection on the 13th December 2016.

This breach has been deemed a CCS Cat 3.

C1 – Staff competency/ training – Condition 1.1.4 – CAT 3

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

The WAMITAB certificate we have on file expired at the end of February 2016. The site has been reminded repeatedly that the certificate would need renewing and advice has been provided with regards to how to undertake the continuing competency test. When asked about the test on site we were informed that Neil had been due to sit the exam recently but had been unable to due to illness. The test has now been re-booked.

Please keep me updated with regards to Neil’s progress with the test and I would expect to hear something by the 31st December 2016. As the certificate has expired a CCS Cat 3 breach has been applied.

During periods when Neil is not considered to comply with the approved competence scheme you should arrange cover by another appropriately technically competent person who should attend site for the minimum required amount and ensure that attendance is recorded in the site diary. If for any reason Neil has not passed his continuing competency test by the 31st December I would expect to see these alternative arrangements in place.

Other Issues and Observations



Photo 13



Photo 14

Bunded Area

Since the last inspection the bunded area has been fixed (see Photo 13). The roof has been re-erected and the brickwork has been painted. A closer inspection of the bunded area showed that only half of the internal wall had been sealed. The work had temporarily stopped to allow time for part of the bund to dry out before the final part of the sealing works was completed. I was informed that the remaining half was due to be sealed either later in the day or the following day. Whilst this work was being carried out some of the liquid containers were being stored outside the bunded area on the impermeable surface. Care was being taken to ensure these did not leak or spill.

Depollution Building

The depollution area looked a bit tidier and on this occasion I was actually able to reach it. The car on the depollution rig was a different one to the one observed there during the last two inspection. Once the work on the bunded area has been completed I would expect to see any liquid containers stored within the bunded area and not stored within the depollution building. This will make the area a little less cluttered. You should ensure the depollution area is used to depollute ELVs. Carrying out all the treatment activities in one small area of the site will, hopefully, help to keep the rest of the site tidy.

Summary

- No waste vehicles seemed to be stored outside the permitted area. Please ensure that this remains the case.
- Although better than last time some undepolluted ELVs were observed within area A. You must ensure that all ELVs within area A are fully depolluted by the 13th December 2016.
- A further review of the sites EMS is required following a number of issues observed in version 2. An update is expected by the 31st January 2017.
- Ensure any spills or leaks are cleaned up and remove any contaminated soils where appropriate. This should be done as soon as possible.
- All parts should be stored either on racking or in designated containers. Any oil contaminated parts should be stored on an impermeable surface with sealed drainage and may also need to be covered. This must be done by the 13th December 2016.
- Complete the continuing competency test by 31st December 2016 or arrange cover by a suitably qualified person.
- Ensure that the bunded area has been fully sealed by the 13th December 2016.
- Ensure that all depollution activities are carried out in the depollution building.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0026631**

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	07/11/2016

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.

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.

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	All parts need to be stored appropriately.	13/12/2016
E2	C3	All oil spill should be cleaned up asap and if needed the contaminated soil should be disposed of to an appropriately permitted site.	13/12/2016
C1	C3	Complete continuing competency test or arrange for cover by a technically competent person.	31/12/2016
C4	C2	All ELVs on permeable surfaces need to be depolluted	13/12/2016

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.