Compliance Assessment Report

Report ID: CAR_NRW0017496

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	04/04/2016	Time in	10:00	Out	11:00
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted Area and EMS				
Lead officer's name	Sowerby, Andrew R.				
Accompanied by					
Recipient's name/position	Neil Bennett/ TCM / Director	Date issued	26/10/2016		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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
B4 - Infrastructure - Containment of stored materials	C3	3.1.3
C2 - General Management - Management system and operating procedures	C3	1.1.1(a)
C4 - General Management - Storage, handling labelling and Segregation	C3	2.5.1

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	3	Total compliance score (see section 5 for scoring scheme)	12

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

Met both Neil and Joanne Bennett on site.

Initial observations on area A suggested that the site was in a reasonable state. No oil was observed on the ground and the puddles on site also seemed to be clear of any type of oil sheen. There were some car parts on the ground, such as bumpers and bits of metal and plastic, but nothing significant. Unable to check all of area A as the cars were tightly packed with little space between them in places.

Area B was messier. There was an open area towards the front of the site, however, the cars on area B are very tightly packed in making access to the back of the site very difficult. There was also a pile of scrap metal piled up along one side of the site. Informed that all this metal would be leaving site soon.

Breach

B4 - Containment of stored material - CAT 3 - Condition 3.1.3

Permit condition 3.1.3 states "all liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment". Large green single skinned tank being used to store both waste oil filters and waste oil located on area B just in front of the bunded area and the depollution bay. This green tank should be located within a bunded area if it is to be used to store waste oil filters and waste oil. If this is not possible then alternative arrangements will need to be made to store the waste oil filters and oil. There was a substantial amount of oil filters and oil within the tank. I was informed that the tank was due to be emptied.

This breach is deemed a CCS Cat 3 due to the potential risk to the environment. The issue with the storage of waste oil filters and waste oil should be resolved by the 30th June 2016.

C4 - Storage, handling, labelling and segregation - CAT 3 - Condition 2.5.1

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.

On the day of the inspection 2 ELVs were quickly checked in area A. They were both found to have had washer fluid and brake fluid removed, however the engine oil was found to still be present and in one of the cars the reservoir appeared to be full. I was informed by Neil that the ELVs would be depolluted immediately and it was recommended that all other ELVs in area A are checked to ensure they have also been depolluted.

As a result of the non-compliance a CCS Cat 3 breach has been recorded.

C2 - Management system & operating procedures - CAT 3 - Condition 1.1.1(a)

Condition 1.1.1(a) refers to having a "management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints"

The current EMS is dated 28th September 2010 and is version 1.1. Since this EMS was created there have been a large number of changes on site. The EMS therefore needs to be reviewed and amended to take into account the changes. For example, the maximum quantity of ELVs the site can store is likely to have changed, the fact that area C is no longer used, the general layout of the site and the relatively recent changes to the drainage in area A. There have also been discussion regarding eth drainage on area B on recent visits that may need reflecting in the EMS.

The fact that the EMS is out of date has been highlighted to the site repeatedly in previous inspection forms and on site. There have been a number of reasons for delays in submitting a new EMS which I have tried to accommodate. Therefore, should no updated EMS be submitted by 17th June 2016 at the latest then I will need to consider further enforcement action. As the EMS does not reflect the sites current infrastructure and operations and as this has been an issue for some time a CCS score of 3 will be applied.

Other Guidance

Airbags

Discussed the depollution of airbags within ELVs. NRW has taken the same stance with undeployed airbags and seatbelt pre-tensioners as they have with intact shock absorbers. i.e. We will not require ELVs that have these to be stored on impermeable pavement and sealed drainage systems provided the following conditions are met:

Vehicle has otherwise been fully depolluted in accordance with ELV directive

- Shock absorbers remaining on the vehicle are not leaking oil and are suitable for re-use
- Airbags and seatbelt pre-tensioners are suitable for re-use (the vehicle has not been damaged by fire, submerged in water, or suffered a collision)
- Manner in which the vehicle is handled and stored does not damage or otherwise prevent the re-use of airbags, seatbelt pre-tensioners or shock absorbers
- Prior to the ELV being sent for crushing and shredding any shock absorbers will be drained and fully depolluted in the depollution area with an impermeable surface and sealed drainage. Remaining airbags and seatbelt pre-tensioners will also be deployed in the depollution area.
- The storage and treatment is consistent with the objectives of the Waste Framework Directive;

'... ensuring that waste management is carried out without endangering human health, without harming the environment and in particular:
(i) without risk to water, air, soil, plants or animals;
(ii) without causing a nuisance through noise or odours; and
(iii) without adversely affecting the countryside or places of special interest.'

Technical Competence

Current WAMITAB certificate for technical competence expired at the end of February. It is essential that Neil renews his qualification as soon as possible. Further information on how to apply to do the test can be found on the WAMITAB website. There is also guidance on what the tests contain on the website. It is very important you make arrangements to sit this test immediately. If there is any delay in doing the test then you may need to arrange cover. Should there be no updates on this during my next inspection then I will deem it a breach and you will be scored.

Area B

I still have some concerns with the entry way next to the depollution area on area B. Some work has been done in this area to tidy it up, however, due to the lie of the land I believe there is still the risk of contaminated runoff from this area, especially as it is next to where some car parts are stored and the depollution bay is located. Area B should be completely sealed to ensure no runoff can leave the area. If it is not you will be unable to store or treat un-depolluted ELVs in this part of area B.

Waste Oil Bunded Storage Area

The bunded area contained a lot of oily water. I was informed that OSS were due soon and that it would be emptied at that time. It was also observed that the bund wall was still constructed of breeze blocks and that the blocks had not been treated to ensure they are sealed. You must ensure that the bund wall is treated to ensure it is sealed. Breeze blocks are not impermeable and over time water/oil will seap through the bricks.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0017496**

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Operator/Permit holder	Clwyd Breakers Ltd	Date	04/04/2016

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			
C4	C3	Ensure all ELVs within area A have been fully depolluted	31/05/2016
C2	C3	Update EMS to reflect recent changes to infrastructure and operations on site	17/06/2016
B4	C3	Store all waste oil and oil filters in a location with secondary containment, i.e. move the green tank to within the bunded area	30/06/2016

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 reports 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 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.