Compliance Assessment Report

Report ID: CAR_NRW0020634

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	31/05/2016	Time in	12:00	Out	12:40
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted Area				
Lead officer's name	Sowerby, Andrew R.				
Accompanied by					
Recipient's name/position	Neil Bennett/ Owner/TCM	Date issued	09/06/2016		

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	C2	2.4.1
C2 - General Management - Management system and operating procedures	C3	1.1.1(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	2	Total compliance score (see section 5 for scoring scheme)	35

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

Breaches

A1 – Specified by permit – CAT 2 – Condition 2.4.1

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."

Upon arrival at site I observed 6 waste vehicles(ELVs) and an engine being stored outside the permitted area, four of these ELVs were being stored in front of the gate to area B (see Picture 1) and the other 2 and the engine were in the layby on the opposite side of the road (see Picture 2). I was informed by Neil Bennett that these ELVs were from the weekend and that they hadn't had time to move them onto site yet. Neil was told that storing ELVs outside the permitted area was unacceptable at all times. I informed Neil that we had received a complaint about the state of the site at weekends. The complaint had suggested that at the weekends there were large numbers of ELVs being stored outside the permitted area. Neil said that he has been in the process of trying to clean up the site and that he has had to move some of his ELVs around to make space. At one point it was suggested that there had been at least 12 ELVs outside the permitted area.

No ELVs or associated wastes should be stored or treated outside your permitted area at any time. Clwyd Breakers Ltd were prosecuted in March 2014 for offences relating to storing ELVs outside the permitted area so are very aware of the consequences of doing so. Should ELVs be observed outside the permitted area again then further enforcement action may be taken.

A CCS category 2 breach has been applied for this breach of your permit due to the potential impact to the environment from un-depolluted ELVs, which are considered to be hazardous waste.



Picture 1



Picture 2

C2 – Management System and Operating Procedures – CAT 3 – Condition 1.1.1 (a)

Condition 1.1.1(a) states that you shall operate in accordance with a written management system. Your current environmental management system (version 1.1 dated 28th September 2010) states in section 5.1 in relation to damaged plant that absorbents will be used to clear oil and fuel spillages. Section 6.3 also

refers to the use of absorbents/granules to deal with any spillages.

Picture 3 clearly shows that the grab on site has been leaking large quantities of oil. It was explained that this was hydraulic oil leaking from a damaged ram and that this grab was due to be sent off site to Haywards as scrap in the next couple of weeks. All spills that occur on site need to be cleared up. Whilst the area in which the spill occurs drains to an oil interceptor, there is still the risk of oil being tracked off site and affecting off-site surface water drains, especially with the amount of daily activity that occurs at the site. Staff should ensure that every effort is made to ensure any spills that occur on site are cleared as soon as they are noticed. I have been shown oil absorbent material on site on previous inspections so I know it is available to use. You should ensure all staff are trained in the use of the available spill kits.

Due to the potential for oil to be tracked off site this breach of the permit is deemed a CCS Cat 3. **The oil affected area needs to be cleaned up as soon as possible and any future spills cleaned up immediately.**



Picture 3

Other

No other breaches recorded on this occasion, however, I did have a number of other concerns.

The number of ELVs on area B was excessive (see Pictures 4 and 5). There was very little space to manoeuver and no space to store any newly arrived un-depolluted ELVs. This is likely to have resulted in the ELVs being stored outside the site.

In addition to there being no space for new ELVs to be stored on area B there were so many ELVs on site that there was no access to the ELV depollution bay and, as can be seen in picture 4, this has resulted in some cars being depolluted on other parts of area B. No ELVs in area A were checked on this occasion, however, if access to ELVs is difficult then this in turn makes depollution of them difficult and I believe this would increase the likelihood of ELVs not being depolluted properly.

Overall I believe the site to be poorly managed at present. You should ensure that you have space on site to move ELVs around and to store all un-depolluted ELVs that you receive. If there is no space you should not be accepting anymore ELVs onto site.



Picture 4



Picture 5

I would recommend that you build into your Environment Management System a method to control the quantity of ELVs on site to ensure the site does not overflow. Your EMS should address risks on site and the storage of so may ELVs is posing a risk as it is affecting how the site functions. A suggested way of improving your EMS would be to include: setting a maximum number of ELVs to be stored on area B,

setting aside areas where no ELVs should be stored for longer than a working day etc, ensuring there are clearly marked routes around the site that will help movement of forklifts etc, a clear boundary around the entrances to the site, the depollution bay and other key areas on site. Having less ELVs on site will make management of the site much easier, especially if there are less in area B where all treatment should be happening. Should you decide to add these conditions please let me know before Friday the 17th June 2016 so that I can extend the deadline set on your EMS in the last inspection form by a couple of extra weeks to allow you time to make the further amendments.

Following my visit to your site I also visited I Hayward Ltd. Whilst on site I observed a number of ELVs both baled and waiting to be baled which I was informed had come from Clwyd Breakers. These ELVs had their engines removed from them and due to their condition I was unable to check them fully. However, I was able to check the shock absorbers and I observed that none of the shock absorbers had been drained and I suspect that the airbags in some of the vehicles had not been deployed or removed. If an ELV has not been fully depolluted in accordance with the ELV directive it is considered to be hazardous waste and as such any movement of hazardous waste must be accompanied by a hazardous waste consignment note. In addition, NRWs position surrounding the shock absorbers and airbags and the storage of them on permeable surfaces includes the condition that before these ELVs are sent off site to be crushed or baled then they should be fully depolluted. I will be providing Haywards with a checklist for ELVs to ensure they are able to check that all ELVs they receive have been fully depolluted. They will be instructed to turn away any undepolluted ELVs unless they intend to begin depolluting ELVs themselves.

On a more positive note I observed that a lot of work has been done on the rear parts of area B to ensure it is clean and litter free and to create a little space between the cars. These parts of the site look much better than they did previously.

In addition to this there was a large puddle in one part of the site. This puddle was due to recent improvements to the site to ensure it was sealed by installing a curb along one edge of the site. The puddle demonstrates that this work was successful and you are now looking at methods of preventing/reducing this puddling in future.

Overall I was disappointed with the state of the site during my visit. I hope that the required work can be done before my next visit to ensure the site is more compliant with its permit.

In summary the main issues were:

- *ELVs outside the permitted area*
- *Oil spills not cleaned up*
- *Too many ELVs in area B which meant there was no extra space for newly accepted ELVs, no access to individual ELVs and no access to the depollution bay*
- *EMS will need updating to include how the number of ELVs in area B are going to be controlled*
- *ELVs that have been sent to Haywards have not been fully depolluted*

Following my previous inspection of the site on the 4th April 2016 there were a number of outstanding deadlines. These included:

- Updating your Environment Management System by the 17th June 2016
- Ensuring you had appropriate secondary containment for all waste oils and oil filters on site by the 30th June 2016

If you have any questions please contact me.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0020634**

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	31/05/2016

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			
A1	C2	No ELVS must be stored outside the permitted area	09/06/2016
C2	C3	All oil spills must be cleaned up as soon as they are observed	09/06/2016

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 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.