

Compliance Assessment Report

Report ID:
CAR_NRW0026325

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	19/08/2016	Time in	11:25	Out	13:00	
Assessment type	Site Inspection					
Parts of the permit assessed	Permitted Area					
Lead officer's name	Sowerby, Andrew R.					
Accompanied by	White, Steven					
Recipient's name/position	Neil/ Joanne Bennett/ Directors	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
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	1.1.1
B5 - Infrastructure - Plant and equipment	A	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	C2	1.1.1(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	C2	3.1.1
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)	128
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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

Accompanied on an unannounced routine inspection to site by Environment Officer Steven White. At the time of the inspection it was raining and had been for some time.

Announced ourselves at the site office and were informed that neither Neil nor Joanne Bennett were around at that time. Site inspection therefore undertaken in their absence. Neil Bennett arrived on site before we left.

I am very concerned with the overall state of the site. Following the prosecution in March 2014 the site seemed to be improving and as a result the sites compliance scores had started to decrease. However, during the last two visits there has been a significant reduction in the overall standard of the site and this poor performance will have had a significant impact on the site overall compliance banding and, as a result, the annual subsistence fee. Overall the site was in a very untidy condition and the below breaches were observed.

A summary of the most immediate actions are listed at the end of the document.

Breaches

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."

During the site visit we observed at least 4 waste vehicles being stored outside the permitted area (see photos 1 and 2). The status of some of the other vehicles parked outside the permitted area was unclear. It has been repeatedly stated during past visits to site (most recently 31st May 2016) that the storing of waste vehicles outside the permitted area is unacceptable and a breach of the permit conditions.

Following the last inspection the storing of ELVs outside the permitted area was deemed a Cat 2 breach due to the potential impact to the environment from these undepolluted ELVs which are considered to be hazardous waste. On this occasion it has again been considered a Cat 2 breach because of both potential and actual impact to the environment. Photo 3 clearly shows oil from the sites activities flowing across the road from the cars and into the surface water drains.

As has been stated before **no ELVs or associated wastes should be stored or treated outside your permitted area at any time**. Within the last inspection form for the site visit on the 31st May 2016 you were informed that we would have to consider further enforcement action should the breach be observed again. As was discussed on site I now need to start investigating further and as a result I sent an invitation to a formal interview on the 23rd September 2016 to you last week.

In the meantime you must ensure that no ELVS are stored outside the permitted area at anytime.



Photo 1



Photo 2



Photo 3

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....”.

Although the site is in the process of putting together a new environment management system (EMS) to take into account some of the changes on site within the last couple of years, until that new management system is in place the old one should be used. This management system is dated 28th September 2010 and is Version 1.1. Section 4.6 (d) of this EMS states that “Salvaged engines and other parts will be stored on the racking or in designated containers”. During the site inspection it was observed that parts seemed to be scattered all over area B. Photos 4 to 7 below show car parts and wiring left on the ground and piled up in a large mound where the old baler used to be located.

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 30th September 2016.

This breach has been deemed a CCS Cat 3.



Photo 4



Photo 5



Photo 6



Photo 7

C2 – Management system & operating procedures – Condition 1.1.1(a) – Cat 2

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”.

Non-compliance with permit conditions is usually a symptom of poor management and training by the operator. It is believed that this is the case at Clwyd Car Breakers Ltd. The site should be managed in such a way as to ensure that there is no/minimal impact to the environment. The sites EMS should adequately address how this is done. If the sites EMS was in accordance with condition 1.1.1(a) and was being adhered to then it is believed that the issues observed during the inspection would not be there.

The current EMS is dated 28th September 2010 and is version 1.1. As has been detailed in previous conversations and inspection forms, since this EMS was created there have been a large number of changes on site. The EMS therefore needs to be reviewed and updated to take into account these changes. For example the location and set up of the depollution building, the loss of area C, the change in the maximum number of ELVs stored on site, the general layout and site plan, drainage in area A etc. The site must have an up to date EMS with all the required information in order to meet the terms of condition 1.1.1 (a) of the environmental permit.

The requirement to update this EMS has been in place for some time and so far a couple of deadlines have been exceeded for one reason or another. During a conversation at the end of July it was mentioned that the lease on part of your permitted site may be about to end and as a result you requested, in writing, for a further extension just in case you needed to make even more changes to your updated EMS. You requested that I wait until the end of August and then three weeks after that. It was explained that in this time you would have the landlords decision regarding the future status of the site and also have time to make the necessary changes to the EMS. During this period of time the management of the site should have been maintained to ensure there was no impact to the environment. However, this does not seem to have happened.

As the current EMS is out of date and as the activities on site have not been adequately managed in accordance with a relevant EMS and because there is both potential and actual significant impact to the environment a Cat 2 CCS breach has been recorded.

You must complete and be adhering to an up to date and relevant EMS by the 30th September 2016. This provides you with the three weeks you requested plus an extra week to ensure that you have time to instigate any operational changes on site.

C4 – Storage, handling, labelling, 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.

During the inspection a number of ELVs were checked on area A. A few were found to have been only partially depolluted. ELVs must be depolluted in order to prevent discharges to ground. Failing to depollute ELVs fully before storing them on hardstanding can lead to contamination of land as seen in photos 14 and 15 below. Photos 8 to 13 below show some of the issues that were found. We did not check every ELV on site as there were too many, some we were unable to open the bonnet of and others were difficult to get to. The ones checked were chosen at random. The below are a few of the ELVs checked.

Photo 8 – Light blue Vauxhall Corsa Y114 EFR – still contained engine oil

Photos 9, 10 and 11 – Red Renault Clio X63 WLG – battery still present, engine oil and other fluids still present in reservoirs.

Photos 12 and 13 – Dark gray Saab 93 LG56 YLF – engine oil and other fluids still present in reservoirs.

All ELVs on area A need to be checked to ensure they have been fully depolluted by the 30th September 2016. Any that require further depollution should then be moved back to the sites depollution bay to ensure they are completed. Due to the actual pollution observed on site and the potential scale of the problem on site this breach of the permit has been recorded as a CCS Cat 2.



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13

E2 – Emissions to Land & Groundwater – Condition 3.1.1 – Cat 2

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 oil contaminated water was observed to be both discharging to a surface water drain between area A and B as shown in Photo 3 above and also collecting in puddles and on the ground on area A as shown in photo 14 and 15 below. The surface water drain leads directly to the local watercourse and the ground on area A is not considered impermeable. There is therefore considered to potentially be a significant impact to the environment from the site, especially over a prolonged period of time. Also, it was observed that no appropriate measures had been taken to prevent or minimise the emission. As a result this breach is deemed to be a CCS Cat 2.

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.



Photo 14



Photo 15

Other Issues of Significant Concern On Site

Bunded area

The area of the site where you store liquids was observed to be in a terrible state (see photo 16 below). We have discussed on previous visits to site the need to ensure this area was properly sealed. The use of breeze blocks to create a bunded area is allowed as long as the breeze blocks are treated to ensure they are impermeable. The breeze blocks that have been used to create this bunded area have not yet been sealed. This needs to be done immediately.

In addition to this it was observed that the roof above the bunded area had collapsed. This roof should be repaired as soon as possible. If the bunded area is not covered then rainwater will be able to collect in the bund and this can increase the chances of the bund overflowing and therefore discharging contaminated

water.



Photo 16

Drums

Photo 17 shows a drum on site. We were unable to determine if this drum contained anything. However, the concern is that if it did then, storing a drum in the manner in which it is shown in the photograph is of extreme concern. If the drum contains a liquid then it should be stored within the bunded area or on a bunded pallet and it should not have been dumped on top of the waste pile on site. Even if the drum has been emptied, there is likely to be residue within it and storing the drum in this manner is likely to have damaged its integrity and could result in the contents spilling onto the yard. Potentially polluting liquids should always be stored within secondary containment on site. Failure to do so is regarded as a breach of permit condition 3.1.3.



Photo 17

Depollution Building

From the state of the depollution building it is obvious that it has not been used for some time. When I arrived on site there were signs that some depollution had been occurring in other parts of area B. I also compared photos of this visit to photos I took during my visit to site on the 31st May 2016. Photo 18 was taken on the 19th August 2016 and photo 19 was taken on the 31st May 2016. Both photographs appear to show the exact same car on the depollution rig. All depollution of ELVs should take place within the site

depollution bay. This area has the most appropriate equipment available on site required to depollute ELVs. In addition to this, by ensuring that all depollution occurs in one location you are ensuring that any mess or spills are better contained and dealt with. Not using the depollution bay could very easily be considered to be another breach of the permit as your EMS states in section 2.10.1 (ii) states that "Depollution of vehicles undertaken in this area within the depollution building". I would expect to see all depollution activities taking place within the depollution building from now on. If any further evidence is observed to suggest that the depollution building is not being used then it will be regarded as a breach.



Photo 18 – taken 19th August 2016



Photo 19 – taken 31st May 2016

Quantities of ELVs on site

As has been discussed previously, the numbers of ELVs on site are excessive (Photos 20 and 21). During this inspection there was no room on either area A or B to accommodate anymore ELVs. This situation obviously makes management of the site extremely difficult and having no room to manoeuvre or to accommodate any newly arrived ELVs means that the site is overflowing. This has likely led to ELVs being stored outside the permitted area, ELVs not being depolluted fully and the general poor state of the yards. During the site inspection it was suggested that the site could stop accepting more ELVs. This should have happened before the problems started occurring. As part of the new updated management system currently being put together you should include some more accurate details regarding the maximum number of ELVs you can accept on site. If this maximum number is reached or if there is a backlog of ELVs which is causing certain permit conditions to be breached then staff should be comfortable with refusing to accept any new ELVs onto site.



Photo 20



Photo 21

Technical Competency

With everything that was observed on site at the time of the inspection I did not get the opportunity to ask if Neil had renewed his WAMITAB certificate by doing the continuing competency test. The WAMITAB certificate I have on file expired at the end of February 2016. It is very important that the certificate be renewed by sitting a continuing competency test. Failure to do this would result in further breaches to your permit. Until the test has been completed and passed you may need to arrange cover by another technically competent person. Please update me with regards to the situation regarding the technically competent person for the site by the 30th September 2016. Further information regarding the continuing

competency tests can be found on the WAMITAB website.

Summary

- No ELVs should be stored outside the permitted area at any time.
- All parts must be store on racking or in designated containers. Oily parts should be stored appropriately so as to prevent any runoff. Deadline of 30th September 2016.
- Fully updated EMS to be complete and being adhered to by the 30th September 2016.
- All ELVs on area A need to be checked to ensure they have been fully depolluted by the 30th September 2016.
- All appropriate action to be taken to both prevent further emissions and to tidy up any spills that have occurred. This action should be taken immediately.
- Bunded area to be sealed and roof repaired by the 30th September 2016.
- All potentially polluting liquids to be stored within secondary containment in a safe manner. This should be done immediately.
- All depollution of ELVs must take place within the designated depollution building/bay. This should be done immediately.
- Ensure that the quantity of ELVs on site is not excessive and that all members of staff are aware and confident they can refuse to accept incoming waste vehicles if required. Deadline of 30th September 2016.
- Provide an update with regards to the status of the designated technically competent person on site by the 30th September 2016.

Summary of Compliance Classification Scheme Scoring

A1 – Category 2 non-compliance - 31 points

B4 – Category 3 non-compliance – 4 points

C2 – Category 2 non-compliance - 31 points

C4 – Category 2 non-compliance - 31 points

E2 – Category 2 non-compliance - 31 points

Total – 128 CCS points

Hazardous Waste Regulations – Premises notification requirements

Within Wales, under the Hazardous Waste Regulations if you produce or store over 500kg of hazardous waste per year at your premises, the premises are required to be registered with Natural Resources Wales unless exempt.

Recently within England, changes have taken place regarding the requirement to register premises. Please note that these changes are within England only, the requirement of premises registration within Wales has not changed and remains the same.

You may already be aware of this requirement and your premises may already be registered with Natural Resources Wales, however if not, you may wish to consider if your premises should be registered. In order to establish this and for details on if your premises maybe exempt a detailed guidance document titled 'Do I need to notify my premises? – A guide to the Hazardous Waste Regulations' is available via our website www.naturalresourceswales.gov.uk and by using the following file path 'Apply for a permit' > 'Waste' > Register as a producer of hazardous waste'.

Should you need to register your premises, details of how to do this can also be found via our website using the file path above.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0026325**

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	19/08/2016

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			
E2	C2	All appropriate action to be taken to prevent further emissions from site and to tidy up any spills that have occurred	16/09/2016
C4	C2	All ELVs on area A need to be checked to ensure they have been fully depolluted. Any further depollution to be carried out within the depollution bay.	30/09/2016
C2	C2	Update EMS to address risks on site and ensure that the EMS is up to date	30/09/2016
B4	C3	All parts must be stored either on racking or in designated containers.	30/09/2016
A1	C2	All ELVs must be stored within the permitted area	16/09/2016

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.