

Compliance Assessment Report

Report ID:
CAR_NRW0031580

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	22/04/2017	Time in	14:25	Out	14:50	
Assessment type	Site Inspection					
Parts of the permit assessed	Permitted Area					
Lead officer's name	Sowerby, Andrew R.					
Accompanied by	Ellis, Rhys					
Recipient's name/position	Neil and Joanne Bennett/ Owners	Date issued	05/05/2017			

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	Condition 2.4.1

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	1	Total compliance score (see section 5 for scoring scheme)	31
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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

This site inspection was carried out on a Saturday following a number of reported incidents of waste vehicles being stored and treated outside the permitted area. Reports also claimed that this activity was resulting in oil spillages on the road and causing the area to look untidy. This was acting as a deterrent to members of the public and other businesses.

I was accompanied to site by Officer Rhys Ellis. We met Neil Bennett on site and explained the purpose of the visit. It was explained that the main objective of the site inspection was to see what activities were occurring outside the permitted area. We would not be checking compliance with the permit anywhere else on site unless it was unavoidable.

Neil Bennett accompanied us around site.

The below issues were observed on site.

Waste outside the permitted area

During a walk around the perimeter of the site we observed a total of at least 7 waste cars outside the permitted area. We also observed various car parts on the ground or on top of waste vehicles outside the permitted area. Photos 1 to 6 show some of the ELVs and waste car parts observed outside the permitted area. Of other concern were the two IBCs that we were informed contained oily water recently emptied from the oil interceptor on site. These two IBCs of oily water were being stored outside the permitted area (see Photo 7). Undepolluted ELVs, oily car parts and oil contaminated water are all regarded as hazardous waste.



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7

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.” Due to the number of ELVs found outside the permitted area, the condition of some of them, the two IBCs containing hazardous oily water and the other potentially oily waste car parts we have applied a CCS Cat 2 score. The storage of waste (both ELVs and car parts) outside the permitted area has been an issue for some time and on the 27th April 2017 an EPR Regulation 36 Enforcement Notice was served on Clwyd Breakers Ltd requiring a number of actions. One of these actions concerned ensuring no waste accepted by the site was stored outside the permitted boundary. A final deadline by which this needed to be done was set as the 14th July 2017. **This deadline does not mean that waste can be stored outside the permitted area until this date. The storage of waste accepted by Clwyd Breakers outside the permitted area is a breach of the permit and every effort must be made to ensure it does not occur at any time both before and after the deadline above.**

Also of concern was the security of area B on site. Photo 8 shows that one of the fence panels has been removed. This fence panel had been removed to provide access to area B. I was told that work was currently taking place to correct some drainage issues in that part of the site (water is known to pool in that part of the yard). However, it was observed that this section of the fence now seemed to be a main access and exit point to area B. I also observed that the curb along the edge of the site in this area had become cracked and damaged. As a result I am concerned that the site is no longer sealed in terms of the drainage in this area and that as the fence panel has been removed the site may no longer be as secure as it used to be. If these are issues then they will also need to be addressed before my next site inspection.



Photo 8

This site inspection was undertaken during the weekend. If we have any further concerns with how the site operates outside normal working hours then we will undertake more inspections at these times.

If you have any questions or comments regarding any of the above then please contact me.

EPR Compliance Assessment Report

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Operator/Permit holder	Clwyd Breakers Ltd	Date	22/04/2017

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			
A1	C2	No waste should be stored outside the permitted area at any time. Enforcement Notice was served on the 27th April 2017	14/07/2017

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.