Compliance Assessment Report

Report ID: CAR_NRW0033214

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	13/04/2018	Time in	11:15	Out	12:35
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted areas A and B				
Lead officer's name	Peel, Louise				
Accompanied by	Sowerby, Andrew R.,White, Steven				
Recipient's name/position	Neil Bennett/Jeremy Wells/ Directors	Date issued	18/04/2018		

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	C3	2.4.1
B4 - Infrastructure - Containment of stored materials	C3	3.1.3
C2 - General Management - Management system and operating procedures	C3	3.4.1
C4 - General Management - Storage, handling labelling and Segregation	C3	1.1.1
E3 - Emissions - Surface water	C3	3.1.1

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	5	Total compliance score (see section 5 for scoring scheme)	20

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 was a routine site inspection conducted by Environment Officer Andrew Sowerby, Senior Environment Officer Louise Peel and Environment Officer Steven White. The weather was cloudy with some rain drizzle. Officers met Director, Jeremy Wells on site and were later joined by Joanne Bennett. Consultant John Haddock was also on site and informed NRW officers that he was overseeing the technical competence of the site whilst Roger Hudspith was away. Breaches were discussed with the operator on site.

The revocation notice appeal is still ongoing and until this appeal can be considered by The Planning Inspectorate the permitted activities can continue, and will be regulated as normal.

Photos taken throughout the site inspection.

Breaches

A1 - Permitted Activities - Specified by Permit Condition 2.4.1 - CCS Cat 3

Condition 2.4.1 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 we immediately observed waste outside the permitted area. Mr Wells talked though all the cars stored outside and confirmed that the following vehicles were destined to be exported to Africa/Poland via a third party to be used for parts:

NH03 ZSJ - Ford Transit van destined for Africa

VI44 FAW - Mercedes estate car destined for Africa

R408 WUK - Renault Van in very poor state of repair destined for Africa

YE08 OUD - Ford Focus destined for Poland

NL52 ECC - Nissan Terrano destined for export to Africa

MK03 WOR - Ford Transit destined for export to Africa









Photos showing some of the ELVs stored outside the permitted boundary destined for export. NRW are of the view that these vehicles are considered waste. The EA position statement entitled 'when a motor vehicle is considered waste' is clear that when redundant private or commercial vehicles are taken or arranged to be taken to an Authorised Treatment Facility (ATF) permitted site, then they are regarded as hazardous waste. NRW are following the guidance within this position statement. The operator should be aware that there are potential Transfrontier shipment of Waste (TFS) issues with knowing that waste vehicles are due to be exported. These vehicles must be stored within the permitted area within area B as this has the correct site infrastructure to store undepolluted vehicles.

As has been stated on repeated occasions both on site and in CAR forms all waste must be stored within the permitted boundary. Clwyd Breakers Ltd were prosecuted in 2014 due to the storage of waste outside the permitted area. A CCS Cat 3 breach has been applied.

B4 - Infrastructure - Containment of Stored Materials - Condition 3.1.3 - CCS Cat 3

Permit Condition 3.1.3 states that "All liquids in containers, whose emission to water or land could cause pollution shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container"

During the site inspection we observed two IBCs full of oily liquid in front of the bunded area. As a result a CCS Cat 3 score will be applied for this breach. As has been stated before all IBCs and other potentially polluting liquid containing vessels need to be stored within secondary containment. You are expected to store all of these vessels appropriately as soon as possible.





Photos of IBCs containing oily water stored outside of bunded area

C2 - General Management - Management System & Operating Procedures - Condition 3.4.1 - CCS Cat 3

Permit Condition 3.4.1 of your permit states "The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance."

Prior notification of this new permit condition was provided to the site well in advance during a site inspection. Following this, letters were sent out to all sites affected by this new condition, including Clwyd Breakers Ltd, and all sites were provided with three months within which to submit a fire prevention plan to NRW. As the site is still open and continues to operate we need to ensure that the site is compliant with the permit and as a result we expect a fire prevention plan to be submitted to NRW. As no fire prevention plan has been submitted a CCS Cat 3 breach has been applied. This was also recorded on the last CAR form with a submission date of 16/3/2018. No fire prevention and mitigation plan has been received to date. Please ensure that one is prepared and submitted to NRW by 18 May 2018. All guidance is available on the NRW website.

C4 - General Management - Storage, handling, labelling, segregation - Condition 1.1.1 - CCS 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...." Section 4 of the Environment Management System applicable on the day of the inspection (received 04/09/2017) states "All materials/components will be stored either in the depollution building within Area B or stored in designated containers pending collection". The EMS also states in Section 4 that there will be a maximum of 10 tonnes of salvaged parts stored on site for a maximum period of 2 months in area B.

Although some wastes had been removed since the last inspection, there were still a large amount of oily parts observed on the ground in area B and the maximum quantity of salvaged parts exceeded the 10 tonne limit (see photos 3 and 4). As a result a CCS Cat 3 has been applied. All effort needs to be made to ensure all the salvaged parts are stored appropriately and that no parts are left scattered about on the floor in area B.





Photos showing oily parts scattered around Area B

E3 - Emissions - Surface Water - Condition 3.1.1 - CCS Cat 3

Permit Condition 3.1.1 states " Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution."

During the site inspection oil contaminated surface waters were observed discharging off site from the back of Area B into the watercourse and also from Area A discharging into the drain in the middle of the access road. A large area of the site surface in Area B was covered in large puddles of water, coated in viscous black oil. This is extremely concerning as it demonstrates that the site is not being managed well and poses a risk to the environment. Discharges of oil contaminated water from these puddles of oily water were visibly flowing off site and into the watercourse at the back of Area B.





Puddles of surface water containing viscous, black oil observed on Area B

Samples were taken during the site inspection, of the discharge into the watercourse behind Area B, the watercourse downstream of the site and the watercourse upstream of the site. A formal sample of the oil contaminated discharge from behind Area B was taken in the presence of Jeremy Wells and later a bipartite sample was offered to Mr Wells and Joanne Bennett. As the sample was being split by Officer White, Mr Wells said 'I'll show you in a minute what I think of this sample' then picked one of the sample bottles which was about a quarter full and then proceeded to drink all the contents. Officer White topped up the bottle so Mr Wells had the opportunity to take some sample away. The sample was murky in appearance and had a strong odour of fuel/oil, with some oil visible on the top of the sample.





Photos of oil contaminated surface water discharging from Area B into the watercourse and formal sample being taken of the discharge as it enters the watercourse

The watercourse into which the oily water discharges is the Afon Goch which then enters the Black Brook before entering the River Clywedog. Any pollution of these watercourses will have an overall impact on water quality and the environment. This is not the first time that the operator has been told to ensure that no oil pollution is allowed to discharge from the sites' activities. The operator must take oil pollution off site seriously and remediate and stop any further discharges as a matter of urgency. A CCS 3 breach as been recorded.

The samples will be sent for analysis and the results made available to the operator in due course.



Photos showing oil contaminated surface water discharging into road drain from Area A



Photo of oil contaminated surface water discharging from Area B into the access road

Other comments:

Future of the site

Mr Wells stated during the inspection that the company were now intending to remain on site and had a lease in place with the landlord until the end of the year.

Site diary

The site diary was not available on site for inspection.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0033214**

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Operator/Permit holder	Clwyd Breakers Ltd	Date	13/04/2018

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			
E3	C3	Stop any oil contaminated water discharging from site	16/04/2018
C4	C3	Store oil contaminated parts in accordance with the EMS	18/05/2018
B4	C3	Move IBCs containing oil contaminated fluids into the bunded area or remove off site to a suitably permitted site	18/05/2018
A1	C3	Remove all waste vehicles from outside the permitted boundary to the permitted area with suitable site infrastructure	18/05/2018
C2	C3	Operator must write and implement and FPMP by 18 May 2018 in accordance with the latest guidance on NRW	18/05/2018

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.