Compliance Assessment Report

Report ID:
CAR_NRW0032207

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	30/08/2017	Time in	13:55	Out	15:45
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted Area				
Lead officer's name	Sowerby, Andrew R.				
Accompanied by	Peel, Louise,Geraint Hughes (NWFRS)				
Recipient's name/position	Neil and Joanne Bennett/ Site Operators	Date issued	29/09/2017		

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	C3	2.4.1
B4 - Infrastructure - Containment of stored materials	C3	3.1.3
C1 - General Management - Staff competency/training	C3	1.1.4
C3 - General Management - Materials acceptance	C3	2.2.1
C4 - General Management - Storage, handling labelling and Segregation	C3	1.1.1
D1 - Incident Management - Site security	A	
D2 - Incident Management - Accidents, emergency and incident planning	A	
E1 - Emissions - Air	A	
E2 - Emissions - Land and groundwater	A	
E3 - Emissions - Surface water	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	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)	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 site inspection was pre-arranged during the last inspection. As a result the operators were well aware of the visit.

Accompanied during the site inspection by Senior Environment Officer Louise Peel and Geraint Hughes of the North Wales Fire and Rescue Service. The objective of the site inspection was:

1. to assess whether there had been any dramatic improvements on site following reassurances during the last site inspection, on the 26th July 2017, that there would be.

2. to assess, from a fire risk perspective, what the main issues on site that could lead to a fire would be and to look at ways the site could improve operations and infrastructure to help the fire and rescue service in the event of a fire. This is part of a much larger on-going project looking into the increases of fires at waste sites across the UK.

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. This included at least three waste vehicles (see Photos 1 and 4), an old metal table/conveyor with car parts on top of it (Photo 3) and other car parts (Photo 2). As has been stated on repeated occasions both on site and in CAR forms **all** waste must be stored within the permitted boundary. If this is not possible then no further waste should be accepted on site. Clwyd Breakers Ltd were prosecuted in 2014 due to the storage of waste outside the permitted area. There is no excuse for this breach of the permit. A CCS Cat 3 breach has been applied on this occasion.



Photo 1



Photo 2





Photo 3 Photo 4

C4 - General Management - Containment of Stored Materials - 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 states "all materials/components will be stored either in the depollution building within area B or stored in designated containers pending collection."

Whilst some work had been done on site to place parts within containers there was still a significant amount of car parts on the ground, Photos 3, 5, 6 and 8 show parts still on the ground or not stored appropriately. As a result another CCS Cat 3 breach has been applied.

As has been advised in the past the operator is strongly recommended to do all they can to tidy up and store all car parts appropriately on site.



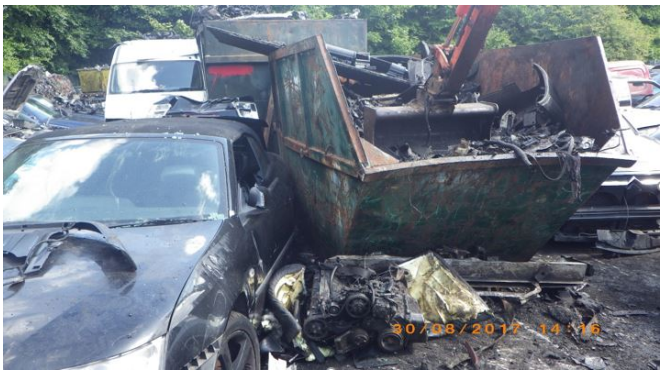

Photo 5 Photo 6

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"

It was observed during the site inspection that there were less IBCs on site. However, there was still one part full IBC stored outside the bunded area (see Photo 7) and another IBC that was half full within the depollution building. As a result a CCS Cat 3 score will be applied for this breach on this occasion.

All IBCs on site need to be stored within secondary containment. The use of an IBC to catch liquid draining out of ELVs during the depollution process is not considered best practice. Liquids should be collected in smaller containers before being transferred to an area where they can be stored appropriately.



Photo 7

C1 - General Management - Staff Competency/Training - Condition 1.1.4 - CCS Cat 3

Permit Condition 1.1.4 states that "The operator shall comply with the requirements of an approved competence scheme"

It was explained in the last CAR Form why the current arrangement is not suitable, i.e the certificate gained by Joanne Bennett is only valid if the primary WAMITAB qualification has been achieved. It was requested that we be informed of the new arrangements to provide TCM cover by the 26th August 2017. As no update was received by this date or provided on the day of the inspection a CCS Cat 3 breach has again been applied.

On the 26th September 2017 we were contacted by a consultant called Roger Hudspith who has provided TCM cover in the past. He explained that he is now providing the TCM cover for the site. If this is the case then you must ensure that he records his

attendance and time spent on site. This record must be available for review during future site inspections.

We also need to see a copy of his continuing competency certificate to ensure he has the appropriate accreditation to be TCM for a waste facility operated under the standard rules permit SR2008No20. Please email or post me a copy of the certificate by the 13th October 2017.

C3 - General Management - Materials Acceptance - Condition 2.2.1 - CCS Cat 3

Permit Condition 2.2.1 states "Waste shall only be accepted if: (a) it is of a type and quantity listed in table 2.2 below;"

During the site inspection approximately 10 gas bottles were observed piled up on area B (see Photo 8 below). These gas bottles are not a waste type that is permitted within the environmental permit. They are also regarded as a fire risk. As a result a CCS Cat 3 breach has been applied.

It was explained that they had been found in the backs of cars and vans that had been accepted onto site. Once found they had been put to one side. It is accepted that very occasionally waste is accepted onto site unintentionally and within your environment management system, in section 2.9, you refer to a skip to contain these unauthorised wastes.

However, when an ELV is accepted onto site we would expect it to be checked to ensure there are no unauthorised wastes, especially bulky wastes such as gas bottles, being accepted with it. If unauthorised waste is accepted onto site and you are unable to return it to the producer then this waste should be quarantined in a clearly defined area of the site where it can be stored safely, securely and appropriately until it can be disposed of.

For bits of general wastes such as papers, plastics etc a small skip is suitable. If gas bottles are accepted onto site by mistake then we would expect to see them stored appropriately and securely to reduce risk of fire or any other incident on site. This waste would then need to be recorded within the site diary and then disposed of immediately. You were provided with advice on this during the site inspection and it was suggested they be stored in a corner of the site away from day to day operations and any buildings. You were also asked to arrange for them to be taken away as soon as possible.

On the 6th September 2017 we were notified that the gas bottles had been removed from site and taken to Key Gas in Ruabon.



Photo 8

Other Issues/Observations

Sawdust

It was observed that there was a large amount of sawdust on the ground in area B. Sawdust can obviously be used to clean up oil spills. However, once used it should be swept up and disposed of appropriately as hazardous waste rather than left on the ground. Leaving sawdust on the ground could lead to other issues, i.e blocking of on site and off site drains, sawdust (both contaminated and uncontaminated) being tracked/blown off site. It may also pose a fire hazard as it could potentially allow a fire to spread more quickly on site. For these reasons any sawdust used on site should only be used to clean up oil spills and then swept up immediately after use.

Oily Car Parts

During the inspection we were informed that all parts on site were being put into designated containers for disposal elsewhere. As has been advised in the past you must make sure that any oil contaminated parts are consigned as hazardous waste and that they are accompanied by hazardous waste consignment notes. Many of the parts in the containers on site looked to be oil contaminated. We were informed on site that a company called Shredmet in Birmingham might be taking much of this waste away.

Waste Storage

There were some concerns with the way in which some waste was being stored. For example in area A we observed a Smart Car balanced on top of an IBC containing car parts (see Photo 9 below). Please ensure all waste is stored safely as well as securely on site.



Photo 9

Oil/Oil Contaminated Water Stored at Haywards

Following this visit my colleague happened to inspect the neighbouring permitted site, I Haywards. During this site inspection he observed two IBCs containing oil or oil contaminated water in a corner of the site. When he made further enquiries regarding these IBCs he was informed that they had come from Clwyd Breakers Ltd. There was a suggestion that they were being stored temporarily. Regardless of whether the waste was being stored temporarily there should still be hazardous waste consignment notes for this movement of oil or oil contaminated water. Clwyd Breakers Ltd should also have completed the necessary duty of care checks to ensure the site has an appropriate permit that will allow them to accept this type of waste.

Waste Transfer Notes/Hazardous Waste Consignment Notes

In order to ensure the movement of waste to and from site is being recorded properly please send me copies of all waste transfer notes and hazardous waste consignment notes for waste arriving on and leaving the site in the period from 1st July 2017 until the 30th September 2017. I would expect to receive these waste transfer notes and hazardous waste consignment notes by the 13th October at the latest.

Environment Management System

On the 4th September 2017 I received an updated environment management system. Once I have fully reviewed it to check if it is appropriate I will inform you.

Fire Prevention Report

During the site inspection we discussed that your Standard Rule permit template was updated in August 2017. This new template can be found at https://naturalresources.wales/permits-and-permissions/waste/waste-permits/apply-for-a-new-standard-permit-for-waste-operations/?lang=en or please let me know if you would like me to email you a copy. Please take the time to review the new template, to ensure you comply with any changes.

*One of the main changes I discussed with you is that by **1st November 2017**, you will be required to write a fire prevention plan in accordance with our guidance, and manage and operate your onsite waste activities in accordance with this plan and your permit. This is cited under permit condition 3.4 'Fire' in the new template. The latest version of our Fire Prevention and Mitigation Plan guidance (version 2) is available on our website at http://naturalresourceswales.gov.uk/media/682525/guidance-note-16-fire-prevention-mitigation-plan-english.pdf If you would like me to email this guidance to you, then please let me know. I plan to be in contact on or soon after 1st November to ensure you have a written plan in place and to request a copy of the plan.*

I was also accompanied on site by an officer of the Fire and Rescue service. During the course of this site inspection you were provided with advice and guidance on some of the actions you could take to reduce fire risk on site and to help tackle a fire should one occur on site. Much of this advice and guidance should be included within your fire prevention plan. Some of the points the officer highlighted are listed below:

- Both sides of the site (areas A and B) were packed with cars with restricted space to move between vehicles - in the event of fire this could result in rapid fire spread and involvement of all vehicles. Advised to store vehicle in lanes thus providing fire breaks - this would also contribute towards business continuity.
- Noted that there were a number of gas cylinders on site (responsible person indicated that they were empty) of varying sizes. Advised to remove off site for correct disposal or to store in an appropriate location awaiting disposal.
- On site extinguishers did not appear to have test dates, some were not appropriately positioned i.e. under the depolluting rig which if involved in fire would render them unavailable.

Future of the Site

During the site inspection the future of the site was discussed. It was explained that following a recent meeting with the landlord Clwyd Breakers Ltd had been informed that they must make significant improvement on site before the end of November 2017. Should these improvements not be made then the lease for the site may be terminated. If the improvements are made and the landlord believes they are satisfactory then there may be a possibility for Clwyd Breakers Ltd to remain on site, in which case their monthly rent would double. Indications from Clwyd Breakers were that they were likely to leave site.

Permit Surrender

Surrender of the environmental permit was briefly discussed. The surrender application process can take some time with NRW requiring three months to process the application once it has been received and deemed complete. In order to surrender the permit you will be required to leave the site in a condition similar to what it was when the permit was originally applied for. This is likely to require ground investigations to ensure there are is no pollution left behind.

As your permit is a standard rules SR2008No20 there is a set fee to pay during the surrender application. The surrender application charge is currently £3,588. Further guidance on the process can be found at http://naturalresourceswales.gov.uk/permits-and-permissions/waste/waste-permits/apply-to-surrender-a-waste-permit/?lang=en

Due to the timescales and the state of the site itself you are recommended to start the surrender application and the site tidy and investigations as soon as possible. Failure to surrender the permit will mean you will continue to be charged annual subsistence fees.

Following on from this site inspection there are a number of actions I have highlighted above. These include:

1. Ensuring all waste is stored within the permitted area at all times. If this is not possible then no more waste must be accepted onto site.
2. Tidy up site and ensure all car parts are stored appropriately as soon as possible.
3. All IBCs and other containers containing potentially polluting liquids must be stored within secondary containment immediately.
4. Provide a copy of the TCMs continuing competency certificate by the 13th October 2017.
5. Ensure only waste permitted by the permit are accepted onto site. If any unauthorised waste are found then they need to be stored safely, securely and appropriately.
6. Ensure sawdust is cleaned up after use and disposed of appropriately
7. Provide copies of all waste transfer notes and hazardous waste consignment notes for waste arriving on and leaving the site in the period from 1st July 2017 until the 30th September 2017. These must be received by the 13th October 2017.
8. All oil contaminated parts must be accompanied by hazardous waste consignment notes.
9. Provide a fire prevention plan by the 1st November 2017. If there is any reason this may not be provided by this date please inform me in writing as soon as possible.
10. Should you decide you are leaving the site please ensure I am kept fully updated with regards to the date you are leaving. Should you wish to surrender your permit then I would suggest you start the process as soon as possible.

Should you have any questions regarding this inspection form or should you need any advice and guidance please contact me.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0032207**

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	30/08/2017

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			
C3	C3	Unauthorised waste has now been removed from site. Please ensure no further unauthorised wastes are accepted onto site.	02/10/2017
C1	C3	Arrangements have now been made to ensure there is an appropriately technically competent person at the site. This person now needs to provide us with a copy of their continuing competency certificate.	13/10/2017
B4	C3	Store all IBCs and other containers containing potentially polluting liquids within secondary containment	02/10/2017
C4	C3	Tidy up all car parts and store them appropriately.	02/10/2017
A1	C3	All waste must be stored within the permitted area	02/10/2017

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.