Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0031971

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	26/07/2017	Time in	10:10	Out	11:35
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted Area				
Lead officer's name	Sowerby, Andrew R.				
Accompanied by	Peel, Louise				
Recipient's name/position	Neil and Joanne Bennett/ Site Owners	Date issued	08/08/2017		

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
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B4 - Infrastructure - Containment of stored materials	C2	3.1.3
C1 - General Management - Staff competency/training	C3	1.1.4
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3	1.1.1
D1 - Incident Management - Site security	A	
E3 - Emissions - Surface water	C3	3.1.1
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)	47

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

The site inspection was undertaken with Senior Environment Officer Louise Peel. We met both Neil and Joanne Bennett on site. The weather at the time of the inspection was very wet with recent heavy rainfall.

During the last site inspection it was agreed both on site and in an email that a certain number of actions would be completed by Friday the 21st July 2017. This included:

1. Updated environment management system that provides the appropriate information listed in the enforcement notice.
2. Consignment notes for all the oily parts that you said were due to leave site this week on Wednesday.
3. Consignment notes for oils removed from the sites sump. This should be all consignment notes for the last three months up to the 21st July 2017.
4. Photos of the bank along the boundary of area B to show that all the waste that was outside the permitted area has been removed and photos of the site to show that oily parts have been removed or are being stored appropriately
5. I was also informed that there will be a meeting with the landlord this week to discuss the future of the site as a whole. Please provide me with a written update on what your intentions are with the site. It was mentioned on site that you may have to have cleared part or all of the site by the end of August. Should you decide you are leaving the site then we will need to discuss the clearance of the site and the future of your permit.

On the 21st July 2017 I received a copy of a consignment note for all oil removed from the sites sump. This consignment note was dated the 3rd May 2017 and detailed the removal of 10,300kgs of waste oil from site by Slicker Recycling Ltd. I did not receive any of the other information requested. As a result it was decided that another inspection should be done to establish if any changes had occurred on site.

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".

When we arrived on site we immediately observed a number of suspicious looking ELVs parked up outside the permitted area, between areas A and B (see photos 1 to 5). Due to the condition of these ELVs they are considered as waste. As a result a CCS Cat 3 breach has been applied. All waste outside the site boundary must be moved immediately and either stored within the permitted boundary or sent to an appropriately permitted site. Absolutely no waste must be stored outside the site boundary at any time.



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5

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 most recent Environment Management System (received on 22nd February 2017) states "all materials/components will be stored either in the depollution building within area B or stored in designated containers pending collection". In addition this section also states that "salvaged engines and other parts will be stored in a designated area in area B".

The below photos (photos 6 to 8) show that car parts are still not all being stored in designated containers or within the depollution building. Many parts on site have been placed in containers and skips but there were still many more parts still lying around on the floor. As a result another CCS Cat 3 breach has been applied.

The operator insisted that the site would be tidied up and cleared of all oil contaminated residual waste over the coming weeks. It was agreed on site that NRW officers would return on 26th August to view the site improvements.

It was made clear that any enforcement action currently being considered would continue irrespective of this date.



Photo 6



Photo 7

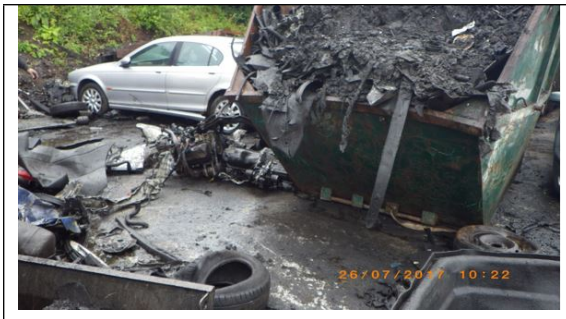


Photo 8

B4 - Infrastructure - Containment of Stored Materials - Condition 3.1.3 - CCS Cat 2

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"

As 5 IBCs and a few drums were observed not being stored within secondary containment and as the sump on site had not been emptied since the last inspection and as a result is likely to be full, a CCS Cat 2 breach has been applied due to the perceived risk to the local watercourse and environment.

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."

Whilst looking at the ELVs store outside the permitted area we noticed that there was oil contaminated runoff flowing off area A and into the surface water drain in the road between areas A and B (Photo 9 to 11). When this was highlighted the immediate response was to use some sawdust to try and soak up the oil(photo 12). Within minutes it was apparent that this method was not appropriate and that the sawdust had just been washed away by the runoff from area A. We then tracked the oil back to where it was coming from on area A and we found two areas on the hardstanding on area A where an oil spill looked to have occurred (Photo 13 and 14). No one was sure how long these two oil spills had been there. Whilst we were on site staff were asked to look at the oil spill and do what they could to stop it.

Due to the impact to the surface water drains from the oil contaminated runoff a CCS Cat 3 breach will be applied.

As members of the public are allowed to dismantle depolluted ELVs on site you should regularly be checking the state of the site to ensure there are no problems. You should also be paying particular attention on wet days to ensure there is no contaminated runoff from your site. If any problems are fund then action should be taken immediately to ensure there is no impact to the environment. In areas where there have been oil spills it may be necessary to remove the oil contaminated ground and dispose of this soil/hardcore as hazardous waste. As staff were already working to clear up these oil spills when we left, we would expect any clean up work to have been completed by now.



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14

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"

The issue of who the technically competent person for the site is has been an issue for some time. In CAR Form CAR_NRW0031537 for the inspection carried out on the 1st March 2017 I detailed the issues and the attempts at resolving them. On the 26th April 2017 we received a copy of a continuing competency certificate gained by Joanne Bennett. As stated in the CAR form we had some questions regarding whether this certificate was valid as Joanne Bennett had not completed the primary WAMITAB qualification.

During the site inspection it was explained that the continuing competency certificate was not valid and that as a result the site still has no technically competent person. You were asked to make arrangements to ensure cover is being provided by an appropriate technically competent person. This cover can be temporary until permanent arrangements are made.

Please inform me of the arrangements made by the 26th August 2017.

This permit breach has been assessed as a CCS Cat 3 on this occasion. Please ensure that whoever provides the technically competent person cover records the amount of time they are on site and that these records are available on site.

Other

Also mentioned on site were the fire prevention plans that you, as a permitted site, will in the future have to comply with. These fire prevention plans will need to be written according to guidance produced by Natural Resources Wales. You have been sent a letter, dated 27th July 2017, signed by Rebecca Favager of Natural Resources Wales explaining your requirement to produce and operate in accordance with a Fire Prevention and Mitigation Plan by 1st November 2017. Links to the guidance on our website are provided within the letter. Please take the time to ensure that this requirement is met within the time frame as I will be requesting a copy of your plan following this deadline.

During the site inspection we discussed the future of the site and we were assured that there were currently no plans to close the site. It is important to realise that if this situation changes you should contact me as soon as you can to discuss the future of your permit and the options you may have. Until the permit is surrendered or transferred to someone else you will need to continue to pay subsistence fees. The process of surrendering or transferring can take a number of months.

During the inspection we discussed a date by which we hoped to see some dramatic improvements on site. The date mentioned was the 26th August 2017. Unfortunately we will not be able to visit site on that date and as a result **we intend to be on site on the 30th August 2017 instead.**

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

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0031971**

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	26/07/2017

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			
E3	C3	Any oil spills on site need to be cleaned up and any oil contaminated water must be prevented from causing pollution.	27/07/2017
B4	C2	All IBCs and drums containing potentially polluting liquids need to be stored within secondary containment	27/07/2017
C4	C3	All parts must be stored in designated containers or within the depollution building.	27/07/2017
A1	C3	No waste must be stored outside the permitted area. All waste outside the permitted area must be moved immediately and either stored within the permitted boundary or sent to an appropriately permitted site.	27/07/2017
C1	C3	Arrangements need to be made to ensure the site has a technically competent person regularly on site	26/08/2017

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.