

Compliance Assessment Report

Report ID:
CAR_NRW0035274

This form will report compliance with your permit as determined by an NRW officer

Site	Twyn Dismantlers Ltd	Permit Ref	WP3395FT		
Operator/Permit holder	Caleb Griffiths				
Regime	Waste Operations				
Date of assessment	11/06/2019	Time in	11:00	Out	12:00
Assessment type	Site Inspection				
Parts of the permit assessed	B4, C1, G4				
Lead officer's name	Lee, Jonathan				
Accompanied by	Warwick-Brown, David				
Recipient's name/position	Caleb Griffiths, Ashley Griffiths/ Permit Holder, Site Manager	Date issued	20/06/2019		

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
B4 - Infrastructure - Containment of stored materials	C3	5.4.1
C1 - General Management - Staff competency/training	C3	2.3.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	6.1.2

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	3	Total compliance score (see section 5 for scoring scheme)	12
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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

INTRODUCTION

Officers Jonathan LEE and David WARWICK-BROWN in attendance of Twyn Dismantlers Ltd, The Twyn, Fleur-De-Lys to complete a compliance inspection of the environmental permit EPR-WP3395FT held by Mr Caleb Griffiths. It was raining and cool at the time of inspection. Officers met with Caleb Griffiths, Ashley Griffiths and Ronald Griffiths on site.

The previous site inspection was completed on the 27th March 2019. This inspection and subsequent Compliance Assessment Report (CAR_NRW0034965) identified a total of seven non-compliances with the conditions of the permit. Following this inspection, a Regulation 36 Enforcement Notice (herein the 'notice') was served by Natural Resources Wales (NRW) in order to rectify persistent non-compliance with the conditions of the permit, this notice was served on the 11th April 2019. Schedule 1 of this notice stipulated steps for the permit holder to take to rectify non-compliance with several permit conditions. Two deadlines dates were stipulated, the 22nd May 2019 and the 1st July 2019.

This inspection was made to assess compliance with three sections of Schedule 1, which had a deadline of the 22nd May 2019. These are outlined below: -

1. **Condition 5.4.1, Table 5.4** - Remove tyre stacks in close proximity to site building(s). Ensure that tyre stacks are stored in a designated and appropriate area, which meets all requirements of Table 5.4.
2. **Condition 2.3.1** – Ensure that the Technically Competent Manager for the site has an up to date and appropriate certificate of technical competency.
3. **Condition 5.1.4** – Clear all end of life vehicle spills using suitable absorbent materials. Ensure spill kits are readily available and are used if a spillage occurs.

This inspection was also made to assess actions taken to rectify non-compliances detailed within the previous CAR which had a deadline of the 22nd May 2019. These are outlined below: -

1. Remove vehicles being stored outside of the permitted boundary.
2. Submit outstanding annual waste returns.

REGULATION 36 ENFORCEMENT NOTICE (Served 11th April 2019)

Three elements of Schedule 1 were inspected for compliance, notes on each part of the Schedule 1 have been detailed below. Breaches arising from lack of compliance with this notice have been given in the 'compliance breaches' section beneath.

1. Storage of waste tyres – Condition 5.4.1

Some improvement in the storage of tyres had been made since the previous compliance inspection. The main stockpile of tyres had been moved from an area which was near a site building. However, tyres were now being stored on the non-compliant area of hardstanding present on site (see photo 1). Schedule 1 of the notice states that, 'Ensure that tyre stacks are stored in a designated and appropriate area, which meets all requirements of Table 5.4.' Table 5.4 i) states that tyres shall be 'stored in separately designated areas provided with an impermeable pavement and sealed drainage in accordance with condition 3.1.'

This section of Schedule 1 **has not** been fully complied with.

1. Technically competent manager (TCM) – Condition 2.3.1

Officers asked to see an up to date certificate of technical competency for the site manager Ashley Griffiths. This could not be provided to officers. Whilst it is understood that site manager Ashley Griffiths was due to take the appropriate test on the 18th June 2019, this is not sufficient as the deadline given within the notice was the 22nd May 2019.

This section of Schedule 1 **has not** been complied with.

1. Site spillages – Condition 5.1.4

There had been a noticeable reduction in the quantity of oil spillages visible on site since the previous site inspection. Site staff had used spill kits and suitable absorbent materials to remediate spillages of oil on site. Spill kits were readily available to be used in areas such as the depollution bay.

This section of Schedule 1 **has** been complied with.

COMPLIANCE BREACHES

The following permit breaches were identified during the inspection.

B4 Containment of stored materials – Permit condition 5.4.1 (Table 5.4) – Tyre storage

Permit condition 5.4.1 states that 'residual wastes shall only be handled and stored on the site in accordance with the standard specified in Table 5.4. below'.

Table 5.4 (c) Tyres, air bags and liquefied gas tanks states that:

- i. Once removed from vehicles, these waste types shall be stored in separately designated areas provided with an impermeable pavement and sealed drainage in accordance with condition 3.1.
- ii. Tyres shall be stored in stable stacks with individual capacities of no greater than 50 cubic metres and to a height of no greater than 3 metres.
- iii. Individual tyre stacks shall not be stored within 6 metres of each other.
- iv. Individual tyre stacks shall not be stored within 15 metres of the boundary or building.
- v. Tyre stacks shall not be located within 10 metres of any area used for flame cutting operations.

During the inspection it was noted that a stockpile of tyres was being stored on the area of non-compliant hardstanding in the South-West corner of the site. These tyres were also near the site boundary. It was also evident that small groups and individual tyres were being stored sporadically and in a disorganised fashion on site. These storage techniques present a considerable fire risk and indicate the poor management of the depollution process.

A **Category 3 breach** of permit condition 5.4.1 has been scored for failure to store waste tyres in accordance with all requirements of Table 5.4.

Action: Ensure that waste tyres are stored in accordance with all requirements of Table 5.4 of your permit.

A further deadline of the 1st July 2019 has been set for this action to be completed.

C1 Staff competency and training – Permit condition 2.3.1 – Technically Competent Manager

Permit condition 2.3.1. requires evidence that a person has the required technical competence.

Site manager Ashley Griffiths could not provide officers with an up to date certificate of technical competency at the time of the visit. Mr Ashley Griffiths stated that he was due to take the relevant test on the 18th June 2019. Mr Ashley Griffiths was contacted after the compliance inspection (19th June 2019) and asked to provide officer LEE with the result of his test. However, this result was not provided and a non-compliance has therefore been recorded.

A **Category 3 breach** of permit condition 2.3.1 has been scored for failure to evidence that a person has the required technical competence.

Action – Submit evidence of Technical Competence to NRW to ensure compliance with permit condition 2.3.1.

A further deadline of the 1st July 2019 has been set for this action to be completed.

G4 – Reporting and notification to Natural Resources Wales – Permit condition 6.1.2 – Waste returns

Permit condition 6.1.2 requires the operator to submit an annual summary record of the waste types and quantities accepted and removed from the site within one month of the end of a year. This information should be submitted to NRW by means of an annual waste return.

Annual waste returns have not been submitted to NRW by the deadline of the 22nd May 2019 specified in the previous compliance report. No waste returns have been submitted for the site since 2013.

A **Category 3 breach** of permit condition 6.1.2 has been scored for failure to submit annual waste returns. The level of breach has been escalated as the deadline set in the previous CAR has not been met.

Action – Submit all outstanding waste returns. Ensure that future waste returns are submitted accurately and on time.

A further deadline of the 1st July has been set to rectify this non-compliance.

Improvements on previous non-compliances

Some action had been taken by the operator to rectify non-compliances recording during the previous compliance visit on the 27th March 2019.

A1 – Specified by permit – permitted boundary

End of life vehicles (ELV's) previously present outside of the permitted boundary had been brought within the permitted boundary. Thank you for acting to rectify this previous non-compliance. Please ensure that no further ELV's are stored outside of the permitted boundary.

D2 – Accidents, emergency and incident planning – Permit condition 5.1.4 – Site spillages

As previously mentioned in this CAR, oil spillages had reduced on site. Thank you for acting to remediate spillages on site and for acting to resolve this previous non-compliance. Please ensure that compliance with this permit condition is adhered to.

Summary

- Two sections out of the three sections of the Regulation 36 Enforcement Notice dated 11th April 2019 with deadlines of the 22nd May 2019, **have not been complied with.**
- Three permit breaches have been recorded in this Compliance Assessment Report. Please act to rectify these non-compliances.
- A further compliance inspection has been scheduled for the 2nd July 2019, to assess compliance with all conditions of your permit and the remaining sections of the Regulation 36 Enforcement Notice served on the 11th April 2019.
- **Natural Resources Wales remain seriously concerned with the ongoing non-compliance with several permit conditions and will be taking appropriate enforcement action.**

Appendix – Site Photographs



Photo One – stockpile of tyres on area of non-compliant hardstanding

If you have any queries regarding this Compliance Assessment Report please contact regulatory officer Jonathan Lee on 0300 065 3908, or via email at jonathan.lee@naturalresourceswales.gov.uk

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order.

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EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035274**

This form will report compliance with your permit as determined by an NRW officer

Site	Twyn Dismantlers Ltd	Permit Ref	WP3395FT
Operator/Permit holder	Caleb Griffiths	Date	11/06/2019

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			
G4	C3	Submit all outstanding waste returns. Ensure that all future waste returns are submitted accurately and on time.	01/07/2019
C1	C3	Submit evidence of technical competence.	01/07/2019
B4	C3	Ensure that waste tyres are stored in accordance with all requirements of Table 5.4.	01/07/2019

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.