

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	02/07/2019	Time in	11:00	Out 12:30
Assessment type	Site Inspection			
Parts of the permit assessed	B3, C2			
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	25/07/2019	

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
B3 - Infrastructure - Site drainage engineering (clean and foul)	C2	3.1.2
C2 - General Management - Management system and operating procedures	C2	1.2.2

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	2	Total compliance score (see section 5 for scoring scheme)	62
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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 warm and dry at the time of inspection. Officers met with Caleb Griffiths and Ashley Griffiths on site.

Previous site inspections were completed on the 27th March 2019 and the 11th June 2019. The inspection on the 27th March 2019 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 **1st July 2019**. These are outlined below: -

1. **Condition 3.1.2, Table 3.1** – The contaminated wastes in the area (as outlined in red in Plan A) of the site, including end of life vehicles, spare parts, contaminated earth, gravel, IBC's and water must be removed from this area. All contaminated ground in the area (as outlined edged in red in Plan A) will need to be removed from the site and disposed of correctly. A new area of hardstanding, compliant with the requirements of permit Table 3.1, must be constructed. Provide paperwork to NRW as evidence for the appropriate recovery/disposal of the wastes and contaminated ground.
2. **Condition 3.1.2, Table 3.1.** - Areas of impermeable surface must be altered so as to prevent fluids running off the surface. Ensure that areas of impermeable surface are served by a sealed drainage system which does not leak.
3. **Condition 1.2.2** – Ensure that depollution of vehicles is carried out in accordance with permit requirements, and Annex 1 of the ELV directive. Ensure that the storage of residual wastes from the depollution process meets permit requirements, and Annex 1 of the ELV Directive.

During the visit officers inspected site infrastructure, to assess compliance with permit condition 3.1.2. Officers also witnessed the depollution of an end of life vehicle (ELV), to assess compliance with permit

condition 1.2.2.

REGULATION 36 ENFORCEMENT NOTICE (Served 11th April 2019)

Three elements of Schedule 1 were inspected for compliance, notes on each part of 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. Area of hardstanding – Condition 3.1.2

The operator had made efforts to remove some of the materials specified in the notice from the area outlined in Plan A. However, the removal of the materials as specified in the notice was incomplete. There were ELV's, contaminated gravel, contaminated ground, residual wastes, spare parts and tyres being stored in this area (see photos 1, 2, 3, 4, 5 and 7). The operator had sought the removal of *some* of the excavated contaminated ground from site, and Mr Ashley Griffiths did show officers consignment notes as evidence for the removal of some of this contaminated material. However, a new area of hardstanding, compliant with all requirements of Table 3.1 had not been constructed.

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

1. Impermeable surface and sealed drainage system – Condition 3.1.2

The operator had not sought to alter areas of impermeable surface to prevent fluids running off the surface. Large portions of the site which benefit from an impermeable surface are not sealed on the perimeter. The operator had not sought to ensure that areas of impermeable surface are served by a sealed drainage system which does not leak.

The operator had sought to construct some new sections of impermeable surface (shown partly in photo 6). Mr Caleb Griffiths stated that there was intention to continue construction of new portions of impermeable surface and install a suitable drainage system to collect or intercept contaminated run-off. Mr Caleb Griffiths also stated that he needed more time to complete the construction of the works specified in the notice.

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

1. End of life vehicle depollution – Condition 1.2.2

During the visit officers witnessed the depollution of an ELV. The vehicle was depolluted in the main building on site which benefits from a vehicle lift and an impermeable surface. The following observations were made when the vehicle was depolluted: -

- The battery was removed from the vehicle first.
- Oils, fuels and water-based fluids were removed appropriately using suitable depollution equipment. Fluids were either drained from beneath the vehicle or via suction pipes into suitable canisters.
- Drain plugs were replaced/suitable plastic bungs were installed once vehicle fluids had been fully drained.
- Air conditioning gases were not removed from the vehicle, the operator stated that issues with equipment on site meant that air conditioning gases were not currently being removed from vehicles.
- Air bags were not deployed.
- Not all tyres were removed from the vehicle, however, the operator stated that these would be removed prior to subsequent storage.

The following observations were made regarding the storage of wastes arising from the depollution process: -

- Waste batteries were not being stored within a suitable container once removed from vehicles. A verbal recommendation was made to the operator to store waste batteries in containers with an impermeable, acid resistant base and lid to prevent ingress of surface water as required by Table 5.4 of the permit.
- Once oil/fuel/water-based fluids canisters had reached capacity, these fluids were shown to be transferred to IBC's which are stored in separated bunded areas. There were some IBC's containing oils and other fluids which were being stored outside of bunded areas (see photo 1).
- The storage of waste tyres was non-compliant. Waste tyres were being stored sporadically and on the area of non-compliant hardstanding (see photo 5). There were several ELV's present on site which still had tyres fitted indicating poor management of the depollution process. This point was referenced as a non-compliance in the CAR for the site inspection on the 11th June 2019 (CAR_NRW0035274).
- The storage of spare parts was sporadic and disorganised.
- The storage of baled depolluted car shells was non-compliant as they were being stored on the area of non-compliant hardstanding on site. In addition, the storage of stockpiles of vehicles on site was haphazard and poorly managed (see photos 1, 2 and 3).

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

COMPLIANCE BREACHES

The following permit breaches were identified during the inspection.

B3 – Site drainage and engineering – Permit Condition 3.1.2

Permit condition 3.1.2 states that 'the engineered site containment and drainage systems shall be designed, constructed, inspected, validated and maintained, and shall be fully documented and recorded, to be fit for purpose and meet the standards specified Table 3.1'. Table 3.1. stipulates prescriptive requirements for areas of site surface and drainage.

There were significant issues with the engineered surfaces and site drainage at the time of the inspection. Whilst the operator had made some progress to rectify this non-compliance, it was evident that significant improvements to site infrastructure needed to be made to be compliant with permit condition 3.1.2.

The following observations of non-compliance with permit condition 3.1.2 were made: -

- The area of hardstanding on site was non-compliant with Table 3.1 (a); the area was not fully constructed with a suitable granular material, the area was not even, the area was heavily contaminated with oil and residual ELV wastes, in areas where new gravel materials had been laid it appeared to be on top of contaminated ground. These points suggest that the area of hardstanding on site remains **heavily contaminated** with oil and residual ELV wastes.
- Large portions of impermeable surface on site were not served by a sealed drainage system. Large portions of impermeable surface were not sealed along their perimeter.
- There was no clear distinction between areas of hardstanding, and areas of impermeable surface.
- Oil staining could be clearly seen on the entrance gully to the sealed drainage system (see photo 8).

Due to persistent non-compliance with this permit condition and failure to comply with the steps specified in the Regulation 36 Enforcement Notice dated 11th April 2019, you have been scored a further **Category 2 Breach** for failure to comply with the requirements of permit condition 3.1.2.

Actions:

- Investigate the extent of the contamination of the ground with oil and residual ELV wastes in area of hardstanding on site, provide initial findings of this investigation to NRW.
- Ensure that **ALL** contaminated ground and gravel currently present on the area of hardstanding is removed from site and recovered/disposed of appropriately.
- Ensure that the engineered surfaces and site drainage infrastructure are compliant with **ALL** requirements of permit condition 3.1.2 (and therefore Table 3.1.).

A deadline of the 1st October 2019 has been set to rectify this non-compliance.

C2 – Management systems – Permit Condition 1.2.2 – Inadequate site management

Permit condition 1.2.2 states that 'storage and treatment of waste motor vehicles shall meet the requirements of Schedule 5 of the ELV Regulations. Infrastructure and equipment provided to meet these obligations shall be maintained in working order and shall be used to give effect to their purpose'.

The following observations of non-compliance with permit condition 1.2.2 were noted during the inspection: -

- Depollution remained incomplete on several ELV's, thus indicating poor management and/or incompleteness of the depollution process.

- General housekeeping of the site was poor. Stockpiles of waste and dismantled vehicles were poorly managed and arranged haphazardly. Several piles of cubed vehicles, scrap metals and a large quantity of tyres were being stored on the area of non-compliant hardstanding.
- Batteries removed from ELV's were not being stored with an appropriate and labelled container.

You have been scored a further **Category 2 Breach** of permit condition 1.2.2 for failure to manage site activities and infrastructure in accordance with Schedule 5 of the ELV Regulations 2003.

Action: Manage site activities and infrastructure in accordance with permit condition 1.2.2.

A deadline of the 1st October 2019 has been set to rectify this non-compliance.

Summary

- Three sections out of the three sections of the Regulation 36 Enforcement Notice dated 11th April 2019 with deadlines of the 1st July 2019, **have not been complied with.**
- Five out of the six sections of the Regulation 36 Enforcement Notice dated 11th April 2019, **have not been complied with.**
- Two Category 2 permit breaches have been recorded in this Compliance Assessment Report. Please act to rectify these non-compliances.
- Natural Resources Wales remain **seriously concerned** with the ongoing non-compliance with several conditions of your permit (as outlined in this CAR and CAR_NRW0035274).
- **Natural Resources Wales will now consider its enforcement response to the ongoing non-compliance with your permit and the Regulation 36 Enforcement Notice. Natural Resources Wales will write to you separately to this CAR regarding this matter.**

Appendix – Site Photographs



Photo One – Stockpile of ELV waste



Photo Two – Area of hardstanding



Photo Three – Area of hardstanding



Photo Four – Hardstanding surface



Photo Five – Stockpile of tyres and cubed ELV's



Photo Six – Area of hardstanding



Photo Seven – Stockpile of metal in corner of site Photo Eight – Oil staining on entrance gully

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.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035478**

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	02/07/2019

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.

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			
C2	C2	Manage site activities and infrastructure in accordance with permit condition 1.2.2.	01/10/2019
B3	C2	Investigate the extent of contamination of the ground with oil and residual ELV wastes in area of hardstanding on site, provide initial findings of this investigation to NRW. Ensure that all contaminated ground and gravel currently present on the area of hardstanding is removed from site and recovered/disposed of appropriately. Ensure that the engineered surfaces and site drainage infrastructure are compliant with ALL requirements of permit condition 3.1.2 (Table 3.1).	01/10/2019

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.