Compliance Assessment Report

Report ID: CAR_NRW0032465

This form will report compliance with your permit as determined by an NRW officer					
Site	Welsh Border Motor Spares	Permit Ref	BP3395CT		
Operator/Permit holder	K S Nunns				
Regime	Waste Operations				
Date of assessment	11/10/2017 - 11/11/2017	Time in	11:00	Out	13:00
Assessment type	Site Inspection				
Parts of the permit assessed	3.4 Fire, 1.1 General Management				
Lead officer's name	Park, Liz				
Accompanied by	Starks, Madeleine				
Recipient's name/position	Kevin Nunns/ Permit Holder	Date issued	21/11/2017		

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
C1 - General Management - Staff competency/training	C3	1.1.1
C2 - General Management - Management system and operating procedures	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	1	Total compliance score (see section 5 for scoring scheme)	4

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

Liz Park and Madeleine Starks met Kevin Nunns on site at 11:00 on Wednesday 11th of October. Gwydion from Welsh Border Motor Spares was also present for our Fire Audit discussion. The purpose of the visit was to discuss with Kevin the Fire Prevention and Mitigation Plan (FPMP) which will need to be written to comply with the new condition within the updated standard rules. The visit also intended to access the storage of waste, check hazardous waste returns and provide an opportunity for Madeleine to become familiar with the site's infrastructure and operations. At the time of the visit the weather was overcast with light to moderate drizzle.

Liz and Madeleine inspected the yard unaccompanied. Kevin reported that there had been some changes made to the site since Liz's last visit, including a reorganisation of the depolluted vehicles. Kevin reported that Welsh Border Spares is moving away from stacking vehicles due to health and safety concerns, with most vehicles now single stacked in the yard.

C1 – Staff Competency and Training – Permit Condition 1.1.1 – Cat 3

Prior to our visit it was noted that Kevin Nunns' Continued Competency had expired on 28/02/2014. Kevin Nunns acknowledged this and intends to complete this within the next 2 months. He also expressed an interest in Gwydion competing the Technical Competence Training, with the view of taking over from Kevin as Technical Competent Manager of the site in the future.

Hazardous Waste Regulations 2005 – Advice and Guidance

Kevin Nunns provided Hazardous Waste Consignment Notes for inspection to Liz Park, who took photos of each provided to look at in more detail later. Upon returning to the office there are a few small details either missing or incorrect from these consignment notes, listed below.

- **Hydrodec (UK) – Waste Oil Collection (18/08/2016)** – *Missing premises code, incorrect SIC Code.*
- **C.Lucus – Kerosene Collection (21/03/2016)** – *Missing premises code*.
- **Lovatt Brothers- Transport of batteries (24/08/2017)** – *Incorrect premises code, listed as "OFG496", should be "CAF575".*
- **G F Potter – End of Life Vehicles (01-01-2017-31/12/2017)** – *Incorrect SIC code.*

A correct premises code and SIC code must be used on all hazardous waste consignment notes in future to be compliant with the Hazardous Waste Regulations.

No evidence was provided to us that Welsh Border Motor Spares have been completing Hazardous Waste Consignee Returns. If you accept hazardous waste onto site, you are a consignee and are legally required to submit these returns under the Hazardous Waste Regulations 2005. The consignee return should provide a detailed summary of each consignment of waste received, disposed of and rejected. Guidance on how to complete these returns, associated charges and the deadlines for doing so can be found on our website at: https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/hazardous-waste-returns/?lang=en

This applies if you accept un-depolluted ELVs from other sites. It is understood that most the vehicles you receive are brought in by members of the public and therefore become hazardous waste at your premises.

Catalytic Converters

All catalytic converters are now considered to be hazardous waste. Kevin Nunns was unable to provide either a Waste Transfer Note or a Hazardous Waste Consignment Notes for this waste. Please provide a copy of the relevant paperwork within two weeks of the issue of this CAR.

Advice and Guidance – Operating Procedures

After inspecting several vehicles, no major de-pollution issues were discovered, however a small number of vehicles did have a minimal amount of brake fluid or screen wash left in the tanks due to incomplete drainage. The screen wash container for a red, FIAT Punto was approximately a quarter full. Consequently, we advised Kevin to ensure vehicles were fully de-polluted, including removing bumpers so the tanks are properly visible to check they are emptied fully. No other issues were noted in the yard.

Liz also noted that the battery storage box, although stored inside a container, the container door was open so the box was still at risk of being contaminated by rainwater. Liz explained that if rainwater was to enter the container, the water would become acidified and therefore constitute a hazardous waste and would need to be disposed of by a specialist contractor. Kevin said that in the past this had been better protected from the weather by pulling the cover of the front of the container down and that they would ensure this is done in the future. This process should be included in your Management System to ensure full compliance with your permit conditions and reduce the risk of pollution.

Fire Audit Requirements

During the site inspection Liz discussed that your Standard Rule permit template was updated in August 2017, a copy of which Liz left with you on site, which can also be found on our website at https://naturalresources.wales/permits-and-permissions/waste/waste-permits/apply-for-a-new-standard-permit-for-waste-operations/?lang=en or please let us know if you would like us 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 Liz discussed with you is that by 7th 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. As previously mentioned, 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. A copy was left on site.

You were contacted on 16 November 2017 to ensure you have a written plan in place and to request a copy of the plan. A draft copy of the plan was subsequently submitted in person on Friday 17th November. We will be in contact regarding the details of the improvements required to this plan and we will be requesting an updated copy to be submitted by Friday December 22nd 2017.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0032465**

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Operator/Permit holder	K S Nunns	Date	11/10/2017

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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			
C1	C3	Kevin Nunns has agreed to complete his continued competency qualification within 2 months.	23/01/2018

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.