

Compliance Assessment Report CAR_NRW0039667

Permit being assessed: BB3296CU.
For: Frongoch Lead Mine, held by Mark Skitt
At: Frongoch, Trisant, Aberystwyth, Ceredigion, SY23 4RL.

Type of assessment carried out: Site Inspection, Reason: Routine.
On 31/03/2022 between 13:45 and 15:30.
Parts of permit assessed: All

NRW Lead Officer: Malcolm Dines, accompanied by Jeremy Goddard.
Report sent to: Mark Skitt, Owner on 06/04/2022.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.1.1
B1 - Infrastructure - Engineering for prevention and control of emissions	Action only (X)	
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
2	8

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
A1	Ensure all ELVs and ELV waste is stored within the permit boundary. With regards to ELVs stored to the west of the permit boundary, you must CLEARLY mark each vehicle that is an ELV so that these can be easily identified. You must also check the ELVs on a daily basis to ensure that none are leaking fluids or at risk of causing pollution of the environment. In the event that you identify a leaking vehicle you must ensure that it is depolluted at the earliest practicable opportunity.	30/06/2022
B1	Provide details of what the surface in the new shed will be	01/05/2022

Criteria	Action needed	Complete by
C4	Continue to remove wastes from around the site to ensure that you are making progress to ensuring that all ELV waste is stored in accordance with the permit so that only fully depolluted end-of-life vehicles, uncontaminated plastic, glass and ferrous and non-ferrous metal wastes arising from the treatment of end-of-life vehicles are stored on hard standing. All other ELV wastes must be stored on impermeable pavement with sealed drainage.	30/06/2022
G4	Complete actions set out on compliance report CAR_NRW0039178	01/05/2022

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

This was an announced routine compliance visit carried out by Malcolm Dines and Jeremy Goddard, to review progress with the compliance actions from the previous compliance visit in December and compliance with the Section 59 notice that was subsequently issued. The weather was dry and bright, on our arrival at the site we met with site owner and operator, Mark Skitt and during the course of the visit all areas of site were viewed in order to assess progress with compliance actions.

Permit Breaches

A1 - Specified by permit - Cat 3; Permit Condition 2.1.1

You have been given this category 3 breach under the above condition because during our inspection it was observed that you are storing End-of-Life Vehicles (ELV's) and ELV waste outside the permit boundary.

This is something that you were required to comply with on previous CAR forms and have failed to complete. It is accepted that you have made significant progress towards compliance with the Section 59 notice and have moved around 12 ELVs and all the ELV waste from outside the permit boundary to the west of the site and you have also moved seven or eight ELVs to a new storage location within the permit boundary at the south of the site. While some ELVs remain, these are not considered a pollution risk and therefore

NRW accept that there are more important priorities on other parts of the site and can remain where they are as long as the two following actions are undertaken:

1. You must CLEARLY mark each vehicle that is an ELV so that these can be easily identified
2. Check the ELVs on a daily basis to ensure that none are leaking fluids or at risk of causing pollution of the environment. In the event that you identify a leaking vehicle you must ensure that it is depolluted at the earliest practicable opportunity.

Please note that in the event of pollution being identified from any ELVs stored outside the permit boundary, or additional ELVs are being stored outside the permit boundary then this agreement will be reviewed.

ELVs outside the permit boundary on other parts of Frongoch mine must be moved to within the permit boundary before 30th June 2022. It is accepted that you have not been able to move them within the previously required deadline as you need new prongs for your front loader to be able to move them and although you have ordered them, they have not been delivered. In the event that it appears that the prongs will not be delivered in time to move the remaining ELVs before 30th June 2022, you stated that you would be able to borrow some and will be able to move the remaining ELVs from outside the permit boundary.

A Category 3 breach of permit condition 2.1.1 has been scored and a new Section 59 notice issued to require these wastes to be moved.

Actions – Ensure that undepolluted ELVs are stored within the permit boundary. A deadline of 30th June 2022 has been specified for these actions to be completed as this was a date that was agreed with you during the compliance visit.

C4 - Storage, handling, labeling and segregation - Cat 3; Permit Condition 2.3.1

You have been given this category 3 breach under the above condition because during our inspection it was observed that there is a significant quantity of End-of-Life Vehicles (ELV's) and ELV waste that is not being stored in accordance with the permit.

You have now removed all batteries and wiring looms from around the site, as well as a significant quantity of wheels. In addition you explained that a large bin of scrap was due to have been collected by SIMS before the compliance deadline, but that they have delayed collection. This scrap will now be collected the week after this compliance visit and SIMS will be delivering another large bin to site which you stated will be used for removing all the car seats from site. Please keep up this progress with tidying the site. There was some evidence that gearboxes, although depolluted, had leaked oil onto the hardstanding on the yard outside the ELV building.

You now have a clearly designated area for storing chassis and bodysHELLs as well as high-value depolluted ELVs. This is a great improvement to the site and means specific storage areas are clearly defined as well as making the site look tidier and more professional. You stated that the next area of focus is the central area where your new shed will be built this year. The construction of this shed will result in you having significantly more space to store ELV parts and wastes inside and will result in more space outside to store ELVs.

Please note that the only wastes you can stored on hard-standing are:

- Fully depolluted end-of-life vehicles
- uncontaminated plastic
- glass
- ferrous and non- ferrous metal wastes arising from the treatment of end-of-life vehicles
- shall be stored on hard standing or an impermeable surface with sealed drainage system.

All other wastes must be stored on impermeable pavement with sealed drainage.

A Category 3 breach of permit condition 2.3.1 has been scored

Actions – Provide details of how the new shed will be surfaced and what ELV activities it will be sued for and ensure that undepolluted ELV waste is stored in accordance with the permit. A deadline of 30th June 2022 has been specified for these actions to be completed as this was a date that was agreed with you during the compliance visit.

Other general observations/comments

Please ensure that you have completed the other actions required on the Compliance Assessment Form - CAR_NRW0039178 - dated 21/02/2022. These actions were:

1. Comply with the requirements of an approved competency scheme
2. Review and update, if necessary, your Environmental Management System (EMS)
3. Submit Fire Prevention and Mitigation Plan for review
4. Submit Waste Returns for the site for calendar years 2019, 2020 and 2021

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 2012.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):

A: Permitted activities

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.