



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

Site	A J Spares			Permit Ref	104608		
Operator/ Permit holder	Cobb Andrew						
Date	04/03/2020			Time in	10:30	Out	11:15
What parts of the permit were assessed	Permit compliance inspection						
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X	Water Discharge	
Recipient's name/position	Andrew Cobb						
Officer's name	Thomas Brabbs, Greg Deakin			Date issued		08/06/2020	

## Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations (EPR). A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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			Condition(s) breached
a) Permitted activities	1. Specified by permit	A	
b) Infrastructure	1. Engineering for prevention & control of pollution	A	
	2. Closure & decommissioning	NA	
	3. Site drainage engineering (clean & foul)	C3	3.1.3;
	4. Containment of stored materials	C3	2.3;
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	A	
	2. Management system & operating procedures	C2	1.1.1;
	3. Materials acceptance	A	
	4. Storage handling, labelling, segregation	A	
d) Incident management	1. Site security	A	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	A	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	A	
	2. Noise	A	
	3. Dust/fibres/particulates & litter	A	
	4. Pests, birds & scavengers	A	
	5. Deposits on road	A	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	NA	
	2. Energy	NA	

**KEY:** C1, C2, C3, C4 = CCS breach category ( \* suspended scores are marked with an asterisk),

A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

MSA, MSB, TCM = Management System condition A, Management System Condition B and Technically Competent Manager condition which are environmental permit conditions from Part 3 of schedule9 EPR (see notes in Section 5/6).

Number of breaches recorded	3	Total compliance score (see section 5 for scoring scheme)	39
If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

### Introduction

**Due to the sudden nature of COVID19 and subsequent workload impacts around working from home, this compliance assessment report was not sent out within the normal intended time frame. As a result, deadlines have been amended to an extension of 4 weeks from the date of issuing this CAR, rather than the date of visit.**

This compliance assessment report relates to a routine site inspection of A J Spares on the 4th March 2020.

Conducting this visit were environment officers Greg Deakin accompanied by Thomas Brabbs.

Site manager Andrew Cobb was not available at the site for medical reasons, therefore we were accompanied by site supervisor Connor for the duration of our visit.

Warrants were shown and the purpose of our visit explained the main reason being to check up on actions set following the most recent site inspection on 25/11/2019 summarised in CAR Report ID 104608/0349015 and CAR Report ID 104608/0356134

### Inspection

#### Structure:

The entrance to the yard was covered in dirt and water from the recent weather, so it was difficult to ascertain the condition of the concrete in some areas. Evidence of potholes gathering water suggests this has not been maintained adequately which increases the risk of oily residue permeating into the ground.

The concrete lip at the site boundary entrance was damaged and in poor condition. The site supervisor was unaware of any site drainage, but knows there is a drain on the neighbouring property next to the boundary this would lead me to believe that any run off in this area of the site would escape the site and enter the surface water drain of the neighbouring property.

The area used to strip/de-pollute vehicles in the garage fitted with a ramp had a concrete bunded lip on the entrance. However this concrete bund was cracked in places and it was evident that pollutants namely oils had escaped this bunded area. When asked Connor explained that during heavy rainfall this area of the site can fill up with rainwater and has been known to leave site to the neighbouring site where I witnessed a surface water drain. Furthermore to the rear of the site where another bay was located I noticed that the bay was not fully bunded in order to contain any fluids or run off. The sides of this area had no concrete lip which would allow liquids to run under the containers towards unmade ground and off site to the public highway where a number of surface water road drains are located.

You should keep concreted surfaces and bunds appropriately maintained so that they are permit compliant, namely any areas of your site where you store waste should have an impermeable surface and be provided with a sealed drainage system as stated by permit condition **Table 2.3: Operating Techniques**.

You have been scored a Category 3 breach, 4 CCS points as a result of this. (Photograph 1, 2, 3, 4, 5 & 6).

#### **Action:**

- **Repair the site surfaces to ensure that areas are impermeable throughout the site. (Photograph 1 & 2)**
- **Repair the damaged concrete lip at the site boundary wall so that no run-off can leave the site. (photograph 3)**

- Repair the concrete lip in the vehicle stripping bay area to contain any run off liquids (photograph 4 & 5)
- Ensure the depollution area is fully bunded to ensure potentially polluting liquids are appropriately collected. (photograph 6)

**Please provide photographic evidence that this has been completed.**

**Due: 7th July 2020 at 17:00**

Storage:

The site looked to be at a near full storage capacity, with the majority of vehicle parts being stored on storage racks or in appropriate sealed containers.

There were areas where excess parts were stored on unmade ground, which is in breach of the aforementioned operating techniques outlined in Table 2.3: 4. *"All other wastes shall be stored on an impermeable surface with sealed drainage system."* (Photograph 7)

These parts appeared to have been on site for some time and the manner of storage would question whether the parts were fit for reuse. Any parts containing potentially polluting liquids such as oils either waste or non-waste should be stored in a manner that ensures these liquids cannot escape into the environment. There was significant oil staining witnessed on unmade ground directly below an area of unmade ground used to store car axels, namely thick black oil. It is foreseeable that this oil could pollute surface/groundwater, therefore should be rectified as soon as possible.

**Action: Ensure all wastes are stored on impermeable surface with a sealed drainage system to comply with the sites permit.**

**Please provide photographic evidence this has been removed**

**Due: 7th July 2020 17:00**

Oil storage containers were stored in a bunded area. This was also being used as an overflow for the storage of car parts. (Photograph 8)

A bunded area needs to hold at least 110% of the tank. Storing other products in this area reduces the overall capacity of the bund should a spill occur.

Section 3.1.3 of your permit states: *"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"*.

You have been scored a category 3 breach, 4 CCS points as a result of this.

**Action: Remove waste parts from the oil storage area and store these in an appropriate area outlined in your permit to ensure the secondary containment can sufficiently capture any spills that occur.**

**Please provide photographic evidence of this being completed.**

**Due: 7th July 2020 17:00**

Further information on oil storage can be found on the following link:

<https://www.gov.uk/guidance/storing-oil-at-a-home-or-business#design-standards-for-bunds>

There was visible oil residue in certain areas of the site which could increase the risk of pollution should this be washed in to other areas. (Photograph 8 & 9)

**Advice & Guidance: You should clear up any visible spillages of oil as soon as this is noticed to reduce the risk of pollution.**

This is highlighted in Table 2.3 – 6. “*Spillage collection facilities shall be provided and used to deal with any spillage of vehicle fluids*”

To the rear of the yard near to the depollution bay was a ford focus on the back of a recovery truck which had significant front end damage. Connor explained that this vehicle was to be the next vehicle to be depolluted and had been there for a few days. This would suggest this vehicle was waste however it was stored in an area of the site that did not benefit from any sealed drainage system. There was no bund on the perimeter of the site and therefore any polluting liquids from this vehicle had potential to leave the site boundary and enter surface water drains located on the public highway just a short distance away. Furthermore there were 2 vehicle shells located parallel to the site perimeter closest to the public highway. Connor explained that these shells were scrap and were waiting to be taken to CF booths.

Table 2.3 of your permit states ‘*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 shall be stored on hard standing or an impermeable surface with sealed drainage system.*’

At the time of my inspection the vehicles were not stored in an area of the site with a sealed drainage system. If you are to continue to store waste vehicles/shells in this area of the site you must create an impermeable bund either around the area you store the vehicles or along the site perimeter.

Management:

The highlighted issues showing a lack of appropriate storage and maintenance point to a root cause of there being no technically competent manager (TCM) for this site. Along with this, there is no environment management system (EMS) written for the site.

This was raised at the last site inspection and although you have signed up to gain your TCM qualification through A T NERAC Ltd no progress has been made to date since. A revised deadline to submit an EMS for the site was set for 14th February 2020 however no EMS has been received for the site to the date.

The accumulation of these issues has been scored as a category 2 breach as the same risks are still posed by the site as identified on previous inspection in November 2019 with little improvement made.

“1.1.1 The operator shall manage and operate the activities:

- (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and
- (b) using sufficient competent persons and resources.”

**Action:**

- **Please provide evidence of technical competency being completed, or in progress of being completed.**
- **Please provide evidence of a written EMS for the site.**

**Due: 7th July 2020 17:00.**

I believe Andrew has been in correspondence with Greg regarding the above matters previously, therefore it is now vital that these are in place to show that the site can be operated competently and without risk to the environment. Please provide these at your earliest convenience or no later than the above dates.

Regards,

**Thomas Brabbs**

**Environment Officer** | Waste Regulation Doncaster & Rotherham

**Environment Agency** | Bow Bridge Close, Bradmarsh Business Park, Templeborough, Rotherham, S60 1BY



**Photograph 1**



**Photograph 2**

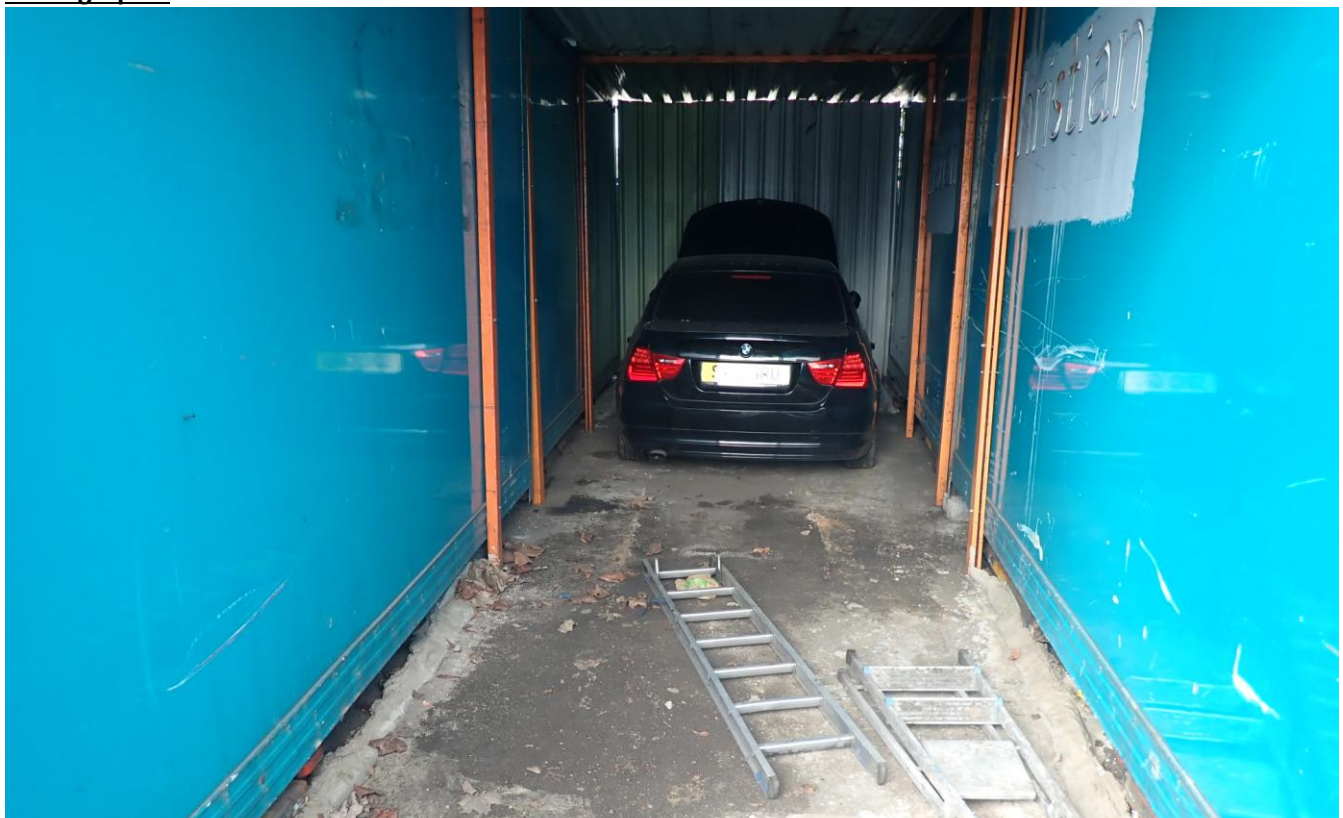




**Photograph 3**



**Photograph 4**





**Photograph 5**



**Photograph 6**





**Photograph 7**



**Photograph 8**





**Photograph 9**



**Photograph 10**



**Section 3- Enforcement Response****Only one of the boxes below should be ticked**

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.

*\*Non-compliance with MSA, MSB & TCM do not constitute an offence but can result in the service of a compliance, suspension and/or revocation notice.*

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

X

**Section 4- Action(s)**

Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.

Criteria Ref.	CCS Category	Action Required / Advised	Due Date
See Section 1 above			
B3	C3	Repair the site surfaces to ensure that areas used to store waste are impermeable throughout operating areas of the site. (Photograph 1 & 2)  Repair the concrete lip at the site boundary wall so that no run-off can leave the site. (photograph 3)  Repair the concrete lip in the vehicle stripping bay area to contain any run off liquids (photograph 4 & 5)  Ensure the depollution area is fully bunded to ensure potentially polluting liquids are appropriately collected. (photograph 6)	07/07/2020
B4	C3	Ensure all wastes are stored on impermeable surface with a sealed drainage system to comply with the sites permit.	07/07/2020
C2	C2	Please provide evidence of technical competency being completed, or in progress of being completed.  Please provide evidence of a written EMS for the site.	07/07/2020



## 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 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.

● A civil sanction Enforcement Undertaking (EU) offer may also be available to you as an alternative enforcement response for this/these offence(s).

### See our Enforcement and Civil Sanctions guidance for further information

*\*A breach of permit condition **MSA**, **MSB** & **TCM** is not an offence but may result in the service of a notice requiring compliance and/or suspension or revocation of the permit.*

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 which could have a <b>major</b> environmental effect	60
C2	A non-compliance which could have a <b>significant</b> environmental effect	31
C3	A non-compliance which could have a <b>minor</b> environmental effect	4
C4	A non-compliance which has <b>no</b> 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.

**MSA, MSB & TCM are conditions inserted into certain permits by Schedule 9 Part 3 EPR**

**MSA** requires operators to manage and operate in accordance with a written management system that identifies and minimises risks of pollution.

**MSB** requires that the management system must be reviewed, kept up-to-date and a written record kept of this.

**TCM** requires the submission of technical competence information.

## Section 6 – General Information

### Data protection notice

The information on this form will be processed by the Environment Agency to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). The Environment Agency 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 (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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The Environment Agency 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 Environment Agency 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 28 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?

You must notify your local officer within 28 days of receipt if, you wish to challenge any part of this compliance assessment report. If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line managers. If you wish to raise your dispute further through our official [complaints](#) and Commendations procedure, phone our general enquiry number 03708 506 506 (Mon to Fri 08.00–18.00) and ask for the [customer contact](#) team or send an email to [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). If you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the [Parliamentary and Health Service Ombudsman](#), phone their helpline on 0345 015 4033.