

Compliance Assessment Report

Report ID:
CAR_NRW0035804

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

Site	Barry Plant	Permit Ref	BB3096CB		
Operator/Permit holder	BDC Aggregates Limited				
Regime	Waste Operations				
Date of assessment	19/09/2019 - 30/09/2019	Time in	11:00	Out	12:00
Assessment type	Site Inspection				
Parts of the permit assessed	Part of permit assessed				
Lead officer's name	Coleman, Craig				
Accompanied by	Thomas, Ffion				
Recipient's name/position	Philip Bowles/ Director	Date issued	10/10/2019		

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
C3 - General Management - Materials acceptance	O	Permit condition 2.3.2
	O	Permit condition 2.1.1 table 2.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	O	Permit condition 4.2.2

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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Barry Docks Site Visit – BDC Aggregates (EPR/BB3096CB) – 19/09/2019 – 30/09/2019

Environment officers Craig Coleman and Ffion Thomas visited BDC Aggregates at ABP Barry Docks, Vale of Glamorgan on 19/09/2019 to meet with the Philip Bowles the company director, and David MacKay the environmental consultant retained by Mr Bowles, to discuss the Regulation 36 notice and the volume of unauthorised waste namely waste metal fines and waste tyres which remain on site, a follow up visit was completed on 30/09/2019 to record the non-compliance with the Regulation 36 notice.

(C3) Materials Acceptance: Permit condition 2.3.2 - Category 3 Breach

A Category 3 breach has not been scored, as this is an ongoing non-compliance.

"2.3.2. Any waste that does not comply with 2.3.1 shall be rejected and shall be;

(a) Removed from the site; or

(b) Moved to a designated quarantine area pending removal."

As previously outlined in CAR forms NRW0034840, NRW0035276, & NRW0035673 , the site accepted waste that was not authorised under EWC Codes permitted at the site. The carpet/underlay waste (20 01 11) which the operator had committed to removing remained on site, and in some places is buried and mixed in with aggregate, waste tyres and waste fines. The skip that had been leased from a local waste facility is currently partially buried by aggregate.

The waste fines which were deposited on 21/01/2019 (19 12 12*) were mandated to be removed by 19/07/2019 as outlined within the Regulation 36 notice remain on site, had have been partially co-mingled with the aggregate stored on the norther boundary of the site. As noted on CAR NRW0035673, there is at least 208,6000kg (1208t) of waste material identified as EWC 19 12 12*, any soil contaminated with this material will be regarded as 19 12 12*. As such, NRW would expect more than 1208t of 19 12 12* to be removed to an authorised treatment facility.

The Regulation 36 notice has not been complied with, as such NRW will consider its enforcement response.





Action: All unauthorised waste is to be removed from the site immediately.

(C3) Materials Acceptance: Permit condition 2.1.1 table 2.1 – Category 3 Breach

A Category 3 breach has not been scored, as this is an ongoing non-compliance.

“2.1.1 The operator is only authorised to carry out the operations specified in table 2.1 below (“the activities”)

Storage of wastes listed in table 2.4 shall not exceed 10,000 tonnes in total at any one time.

All other wastes stored shall not exceed 40,000 tonnes in total at any one time."

The waste remains in excess of the operators permitted amount, as previously outlined in CAR forms NRW0034840, NRW0035276, & NRW0035673. The true volume of waste cannot be ascertained as the operator has failed to submit the waste returns for the site.

The Regulation 36 notice has not been complied with, as such NRW will consider its enforcement response.



Action: Waste onsite is to be brought down to meet the 75,000t limit.

(G4) Reporting & Notifications to NRW: Permit condition 4.2.2 – Category 4 Breach

A Category 4 breach has not been scored, as this is an ongoing non-compliance.

"4.2.2 Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter."

As previously outlined in CAR forms NRW0034840, NRW0035276, & NRW0035673, the waste returns for the site have still not been submitted.

The returns must be submitted to meet compliance with condition 4.2.2 and in order that they be assessed to quantify the volume of waste currently stored on site and demonstrate compliance with condition 2.1.1 as detailed above.

The waste returns are to be submitted to: waste.returns@cyfoethnaturiolcymru.gov.uk

The reporting spreadsheet to be used can be found at <https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/new-wales-operator-waste-return-and-deadlines-for-returns/?lang=en>

The Regulation 36 notice has not been complied with, as such NRW will consider its enforcement response.

Action: Waste returns for December 2018, Quarter 1 2019, and Quarter 2 2019 are to be submitted immediately.

Additional Comments:

Little work has been undertaken to comply with the Regulation 36 notice. The site continues to accept waste, and to store waste that is not permissible under the permit illegally.

Summary actions:

Action: All unauthorised waste is to be removed from the site immediately.

Action: Waste onsite is to be brought down to meet the 75,000t limit.

Action: Waste returns for December 2018, Quarter 1 2019, and Quarter 2 2019 are to be submitted immediately.

Craig Coleman

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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_NRW0035804**

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Site	Barry Plant	Permit Ref	BB3096CB
Operator/Permit holder	BDC Aggregates Limited	Date	19/09/2019

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	O	Action: Waste returns for December 2018, Quarter 1 2019, and Quarter 2 2019 are to be submitted immediately.	10/10/2019
C3	O	Action: All unauthorised waste is to be removed from the site immediately.	10/10/2019
C3	O	Action: Waste onsite is to be brought down to meet the 75,000t limit.	10/10/2019

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.