

Compliance Assessment Report CAR_NRW0037324

Permit being assessed: BX9455IF.

For: Bedwas Plant , held by Hydro Extrusion UK Ltd

At: Pantglas Industrial Estate , Bedwas, Caerphilly, CF83 8DR.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 27/01/2021.

Parts of permit assessed: Borehole Monitoring Round 32 - Received April 2020

NRW Lead Officer: Wayne Grimstead.

Report sent to: Paul Harley, EHS Co-ordinator on 27/01/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Action only (X)	
C2 - General Management - Management system and operating procedures	Assessed (A)	
E2 - Emissions - Land and groundwater	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
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
0	0

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	Carry out borehole monitoring (round 33) and submit results to NRW.	30/04/2021
G4	Carry out borehole monitoring (round 33) and submit results to NRW.	30/04/2021

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.

At this time, we do not intend to take any further action.

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

In response to the borehole monitoring results for February 2020 (round 32), received April, 2020, NRW comments as follows:

1. Thank you for including the water levels in mAOD as well as in mbgl. There is now enough data (over 15 years' worth of data) to draw up hydrographs and contour plots for the site; this would be useful for sites of interest to confirm groundwater flow directions.
2. The levels of free phase product in BH12 is continuing to fluctuate with groundwater seasonal variation with none being observed during this round (as groundwater levels are high following the February storms). The graph of TPH concentrations between BH1 and BH12 shows some connection between the two.
3. We note that BHS4 is contaminated from oils in the press pit and that this source has been removed. We understand that hydrocarbons are no longer held at this location within the site, but that residual contamination could still be migrating from the press pit area into BHS4, which is being picked up at low concentrations.
4. Action Plan for exceeding trigger level at BHS6 – we note that exceeding the trigger level will action retesting. We therefore suggest if the second sampling results is still above the trigger level that this should initiate further investigation.
5. We agree with the replacement of MW1 and MW2 at locations close to the existing boreholes to allow consistent monitoring over time – please include the borehole logs within the next sampling round.

Round 33 Borehole Monitoring

In response to NRW Car Form NRW0036189 dated 16th January, 2020, Hydro Extrusion UK Ltd confirmed in an email dated 20th February, 2020 that reporting frequency for borehole monitoring will be retained at 6 monthly intervals.

Despite this, Hydro Extrusion confirmed in an email dated 26th January, 2021 that round 33 monitoring has not yet been carried out, however, a written assurance has been given to address the matter immediately. This was due to a staff member being on COVID furlough, followed by a subsequent change in personnel. Under normal circumstances and had it not been for NRW delay in responding with round 32 comments, which will be of assistance to the operator for round 33, the failure to carry out and submit the necessary report within the agreed timeframe may have resulted in a non-compliance being recorded. Hydro Extrusion UK Ltd are reminded, therefore, that the 6 monthly interval for borehole monitoring and reporting remains in place unless otherwise agreed in writing.

ACTION 1: Carry out borehole monitoring (round 33) and submit results to NRW by 30th April, 2021.

Hydro Extrusion UK Ltd are also reminded that the majority of conditions in a permit remain in perpetuity and, therefore, required continued compliance. The departure from the company of a member staff with an important role in permit compliance procedure has highlighted a potential weakness in the management / personnel related conditions of the permit, which are highlighted below. These are matters that NRW may decide to audit as part of its regulatory function.

1.3 Overarching management condition

1.3.1 *Without prejudice to the other conditions of this Permit, the Operator shall implement and maintain a **management system, organisational structure and allocate resources that are sufficient to achieve compliance with the limits and conditions of the Permit.***

2.3 Management

Training

2.3.2 *The Permitted Installation shall be supervised by **staff who are suitably trained and fully conversant with the requirements of the permit.***

End.

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.