

Compliance Assessment Report

Report ID:
CAR_NRW0031444

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

Site	Aberthaw Works EPR/BL3986ID	Permit Ref	BL3986ID
Operator/Permit holder	Lafarge Tarmac Cement and Lime Limited		
Regime	Installations		
Date of assessment	30/03/2017	Time in	N/A
Assessment type	Audit		
Parts of the permit assessed	Schedule 5 Notifications 16-17th March 2017		
Lead officer's name	Griffiths, David		
Accompanied by			
Recipient's name/position	Kara Bennett/ Environment Coordinator	Date issued	31/03/2017

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
A1 - Infrastructure - Specified by permit	A	
C2 - Infrastructure - Management system and operating procedures	C3	1.1 General Management
F3 - Infrastructure - Dust/fibres/particulates and litter	C3	3.1.1
G2 - Infrastructure - Records of activity, site diary/journal/events	A	
G4 - Infrastructure - Reporting and notification to Natural Resources Wales	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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

On this occasion we are issuing 2 non-compliances of your Permit. The reason for our judgement is as follows:

1. We have discussed many time issues with kiln start up and the potential to cause an off-site impact. Yet a decision was made not to inform the residents of this. Secondly this is not the first time there has been a power outage during kiln start up. On the previous occasion we were given assurances that during Kiln start up you would be closely assessing and monitoring for any dust issues. Why did a power outage occur again? Furthermore, based on these reassurances last time we did not breach your Permit.
2. A large quantity of dust has left site and caused an environmental impact. You have been fortunate to have only impacted on only two residents. If the wind had been in a different direction we potentially would have had a more significant pollution. Did all this dust leave site and impact only on local residents?
3. The Clinker shed, yet again we have had many discussion around this and although you have previously purchased a fog cannon we believe site operational practices / instructions are not being followed. We witnessed and observed during the OMA Audit on the 15th March 2017 the Clinker Shed door was left open.

Therefore we have issued two Category 3 Permit non-compliances in this CAR Form (Management system & operating producers) and (dust/fibres/ particulates). You must be mindful that if this continues to be an issue then we will have no alternative than to reconsider our regulatory position.

NRW looks forward to receiving the above information and will meet with you hopefully in May to discuss further.



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EPR Compliance Assessment Report

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Site	Aberthaw Works EPR/BL3986ID	Permit Ref	BL3986ID
Operator/Permit holder	Lafarge Tarmac Cement and Lime Limited	Date	30/03/2017

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.

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.

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			
F3	C3	Improve Operations	02/05/2017
C2	C3	Improve Operations and training	02/05/2017

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.