

Compliance Assessment Report

Report ID:
CAR_NRW0018548

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

Site	Derwen Plant Company Ltd	Permit Ref	GB3831AM			
Operator/Permit holder	Derwen Plant Company Ltd					
Regime	Waste Operations					
Date of assessment	02/03/2016	Time in	12:00	Out	13:00	
Assessment type	Audit					
Parts of the permit assessed	General Overview					
Lead officer's name	Wakeford, Sally					
Accompanied by	Davies, Gareth					
Recipient's name/position	Mark Davies/ Managing Director	Date issued	27/05/2016			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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 - Specified by permit	C3	1.1.1
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B4 - Infrastructure - Containment of stored materials	A	
B5 - Infrastructure - Plant and equipment	A	
C2 - General Management - Management system and operating procedures	A	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
D1 - Incident Management - Site security	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F5 - Amenity - Deposits on road	A	

KEY: See Section 4 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **N** = Not Assessed, **X** = Action only

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	4
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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

An unannounced inspection was conducted on the aggregates washing plant on 2nd March 2016. The inspection as a general familiarisation visit for Sally Wakeford as the new Regulating Officer. Stuart Hanford accompanied us around the site.

A1 – General Permitted activities: specified by permit, Permit Condition 1.1.1(a) – CAT 3 breach

You have been given a Category 3 breach for this above permit condition as during our inspection it was noted that waste had been stored not in line with your Environment Management System.

Condition 1.1.1 (a) states:

"The operator shall maintain and operate the activities in accordance with a written management system that identified and minimised risks of pollution, including those arising from operations, maintenance, accidents, incidents and non-conformances, closure and those drawn to the attention of the operator as a result of complaints."

Your written management system supplied at the time of the bespoke application in 2012 and the most recent version received by NRW on 07 March 2016 contains reference to waste leaving site.

Section 1.1 Specified operations (b) Waste leaving the facility: "The maximum period for retention of ... all other waste whether destined for recycling or disposal will be up to 12 months".

The filter cake has been on site for many years, with no sign of a vast reduction of the stock pile on site. I have been informed from the previous officer Eleanor Davies, that an agreement had been put in place until such time as the Small Sites Strategy for the use of this waste in construction projects (rather than applying all the principles of CL:AIRE for small sites) had been agreed by NRW, which I understand was done so in July 2015.

You informed me that no waste has yet left site following this strategy, although some has been removed to be used at landfill.

You are required to take the following steps by the date listed on page 5 of this form under Actions Required.

ACTION: Outline how you actively intend to meet this requirement of the permit/Environment Management System. This could include any projects which have been approved for use, rotation of stock to ensure that the oldest is used first etc.

Further observations:

Whilst on site there was a large amount of water running from the wash plant to the drains. Please could we discuss the drainage layout at site, my concerns would be regarding the runoff from the wash plant entering the river from discharges such as this. However I would require further understanding of the drainage at the site. This water entering the drainage system was not rainfall dependant, and a discharge such as this to the river would not be permitted. Rainfall dependant run off from the site can be discharged as long as it passes through two silt traps and storage lagoon prior to entering the water course. I will arrange a site visit with you soon to discuss this in more detail.

ACTION: In the meantime please could you provide me with details of the maintenance of the drainage system, including maintenance of the silt traps and removal of silt from the lagoon (as per your EMS).

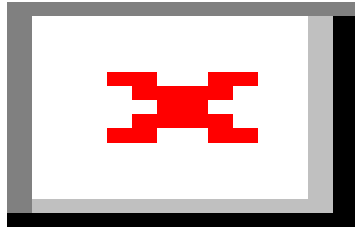
ACTION: Please could you also provide me with information on when the impermeable pavement was last inspected.

Activities on site appeared well organised. Stockpiles of aggregates produced from the wash plant were consistent, and well stored. The management of the activities on site appear good.

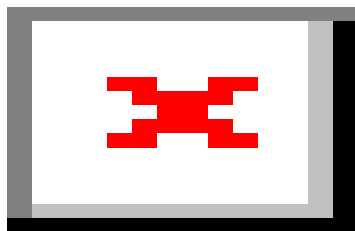
There was a large amount of mud around the plant, which can only be expected from such an activity, and I noted that at the time of the inspection the mud/debris was not leaving site.

Thank you to Stuart Hanford for taking the time to show us around site, it was an excellent introduction to the activities undertaken at the site.

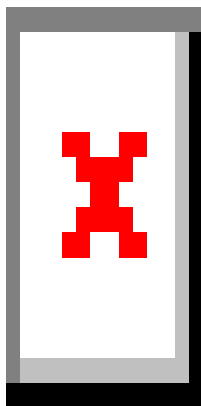
Photographs from site inspection:



Stockpile of filter cake.



Stockpiles of aggregates



Flow of waster from wash plant to drainage system.

Any compliance criteria not highlighted in the above summary should be considered as not assessed.

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012.

EPR Compliance Assessment Report

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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			
A1	C3	Outline how you actively intend to meet this requirement of the permit/Environment Management System	31/07/2016

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 reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty 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.