

Compliance Assessment Report

Report ID:
CAR_NRW0031886

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	05/07/2017	Time in	09:30	Out	12:30
Assessment type	Audit				
Parts of the permit assessed	Permitted area				
Lead officer's name	Davies, Gareth				
Accompanied by	Medcraft, Jodie				
Recipient's name/position	Stuart Hanford/ Managing Director	Date issued	14/07/2017		

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 - Specified by permit	A	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	C3	1.1.1(a) and 2.3.1(a)
C3 - General Management - Materials acceptance	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
G4 - Monitoring and Records, Maintenance and Reporting - 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	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

Present

Stuart Hanford (SH) – Derwen Plant Company Limited (DPCL)

Debbie Keogh (DK) – Derwen Plant Company Limited

Gareth Davies (GD) – Natural Resources Wales (NRW)

Jodie Medcraft (JM) – Natural Resources Wales

The purpose of the inspection was to assess compliance with the environmental permit held by DPCL, reference GB3831AM.

Stockpile Removal

The main focus of the inspection was around the stockpile of filter cake material on site produced from the aggregates wash plant. Within DPCL's written management system supplied at the time of the application in 2012 and the most recent version received by NRW on 7 March 2016 it states that "The maximum period for retention of unacceptable waste will be 28 days and all other waste whether destined for recycling or disposal will be up to 12 months." The large stockpile of filter cake contains a large amount of material that has been on site for a number of years. This was first highlighted during the inspection on 2 March 2016.

Following the inspections on 2 March 2016 and 24 November 2016 DPCL submitted a Fine Grade Material Strategy to NRW. This strategy outlined how DPCL intended to remove the stockpile of material in a phased approach resulting in a 4 stockpile rotation system over a rolling 3 year period from March 2016 going forward.

During the inspection GD confirmed that the stockpile rotation system was acceptable and that this should be incorporated in to the written management system, removing the references made in the Fine Grade Material Strategy to the yearly clearance of each stockpile. The site layout/plan should be updated to reflect the current site operations as well as proposed site layout going forward.

Due to the current storage of material being on site for excess of 12 months as outlined in the current written management system this is a breach of conditions 1.1.1(a) and 2.3.1(a). This has been scored a Category 3 under C2 General Management – Management system and operating procedures.

DPCL agreed to make the relevant changes to their written management system to reflect the proposed stockpile rotation plan and time limits for when waste will remain on site. In updating this part of the written management system, please have consideration for the relevant section in How to Comply on Waste Storage, p35.

During the inspection SH and DK provided an update on the quantity of material that had been removed to date from the filter cake stock pile. Within 2017 so far, 30,207 tonnes of material had been removed from site. Coupled with the material that was removed during 2016, well in excess of 55,000 tonnes of filter cake has been removed from the stockpile. The area of stockpile that has been removed can be seen in the photographs below. It is estimated that approaching two thirds of the stockpile has been removed. The removal of this material show that DPCL are taking significant steps to reduce and remove the quantity of filter cake on site.



Small Sites Strategy

DK confirmed that the small sites strategy had not been used since last October. DPCL are hopeful that a contract will be in place to use the filter cake material in a local construction project. This will provide them with a case study to demonstrate how the material can be used and promote future use.

While the filter cake is currently very close to the requirement of BS3882 – Specification for top soil, DPCL were looking at a number of options for use of the filter cake material apart from as a soil substitute. DPCL have done some initial work on the use of the filter cake in the formation of bricks.

Waste Returns and Waste Acceptance

Following a review of the waste returns a discussion was held around the waste acceptance procedures that DPCL go through prior to accepting a load of material. DPCL accept a number of waste types that are mirror non-hazardous waste types, such as 17 03 02 – bituminous mixtures other than those mentioned in 17 03 01 and 17 05 04 – soil and stones other than those mentioned in 17 05 03. These waste codes would require an assessment to be made to demonstrate that the material is non-hazardous. DPCL receive information analysis of the material due to be received. An assessment of this material is then carried out by an external

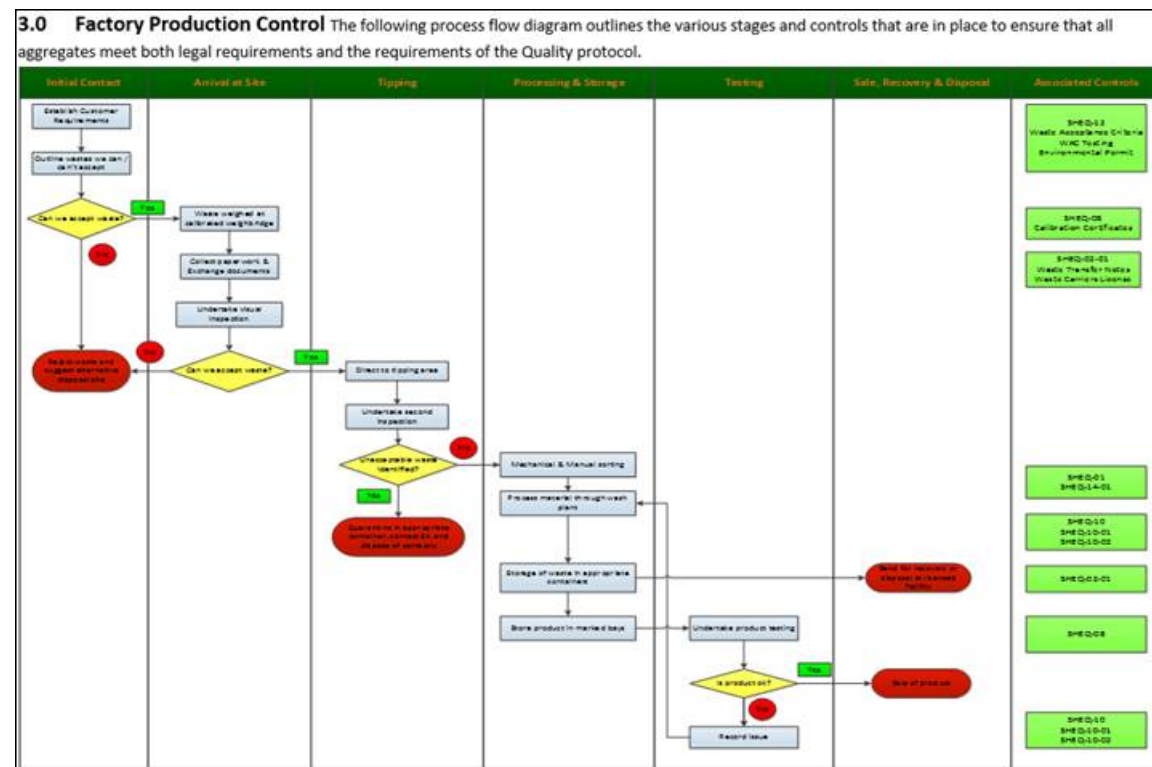
consultant to assess whether the material is hazardous or not as part of the waste acceptance. These assessments also provide information on whether DPCL wish to accept the material considering the soil properties, such as high clay content.

DPCL provided a number of examples of the information that they receive prior to accepting material on site, see below.

 CERTIFICATE OF ANALYSIS 77278-01 Client Reference: 272717 Report Number: 833713 1 Location: The Hub Port Talbot 2 Order Number: 12150 CEN 12-1 SINGLE STAGE LEACHATE TEST REF: BS EN 12467:2																																																																																															
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This then goes through the waste acceptance process as outlined in the flow diagram below.



A recent review of waste returns submitted to NRW identified there was a small error on the waste return submitted for Quarter 1 of 2016 (Jan-Mar). It appeared that a small quantity 20 tonnes of mixed municipal waste 20 03 01 was accepted on site. SH confirmed that this would have been an administrative error and the waste would have been sent to the materials recovery facility. The weighbridge system has been updated recently, so it is not possible to accept a waste type that is not permitted under the relevant environmental permit. The CAR Form originally sent regarding this had not been received. GD agreed to re-send. Since the inspection GD has confirmed that there is no need to submit an amended waste return. SH has confirmed that their on-site records have been updated.

Technical Competence

Up to date WAMITAB certificates were provided for Stuart Hanford, David Moulds, Tony Crotty and Mike Griffiths following the visit.

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.

END

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0031886**

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	Date	05/07/2017

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			
C2	C3	Written management system to be updated to reflect the Fine Grade Material Strategy provided to NRW, taking account of the comments in this report. Please provide a date for when these amendments will be completed by 28 July 2017.	28/07/2017

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.