

Compliance Assessment Report

Report ID:
CAR_NRW0034543

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

Site	Bryn Quarry Ltd	Permit Ref	DB3639AZ		
Operator/Permit holder	Bryn Quarry Ltd				
Regime	Waste Operations				
Date of assessment	31/01/2019	Time in	N/A	Out	N/A
Assessment type	Audit				
Parts of the permit assessed	Requirements within post-operational plans				
Lead officer's name	Warwick-Brown, David				
Accompanied by					
Recipient's name/position	Alun Price/ Operator	Date issued	31/01/2019		

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
C2 - General Management - Management system and operating procedures	C3	2.1.1
C3 - General Management - Materials acceptance	C3	2.3.2
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	2.1.1

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	3	Total compliance score (see section 5 for scoring scheme)	12
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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

Compliance Assessment Report - Bryn Quarry (EPR DB3639AZ/EAMWL 103652)

A desk-based audit of the Bryn Quarry Waste Recovery Plan has been carried out by Officer David WARWICK-BROWN as part of NRW's Closed Landfill project, meeting our requirement to undertake periodic site inspections and audits of regulated facilities. The historical records of this site have been reviewed for environmental monitoring and the following outcomes have been determined.

(G1) Monitoring of emissions and the environment: Permit condition 2.1.1 – Category 3 breach

Within the most up to date version of your WRP (sent to NRW on 15/03/12), section 5.2 states that 'the site will be surveyed on an annual basis and details forwarded to the local authority and EA to ensure compliance with the design scheme', in relation to a five-year aftercare plan for this site. This is also confirmed within Schedule 1 (table S1.1) of the permit for this WRP, dated 23/03/12, which states that 'the operator is only authorised to carry out the specified activities in schedule 1 table S1.1 (the "activities")'. From searching through the available data on NRW's database it is not evident that such details were forwarded to us as specified in the WRP and the permit. If there are any relevant correspondences regarding the five-year aftercare plan for the site, then please send these to NRW. Additionally, table S1.1 states that the total quantity of waste that can be stored and subsequently used cannot exceed 106,590t. From assessing your waste returns, it has been determined that a total of 110,800t of waste has been received on site for this WRP.

You are being scored a **category 3 breach** for these non-compliances with condition 2.1.1 of the permit.

(C3) Materials acceptance: Permit condition 2.3.2 – Category 3 breach

Schedule 1, table S1.1 of the permit confirms that hazardous wastes shall not be accepted onto this site. From assessing your waste returns, it has become evident that 'soil and stones containing hazardous substances' (waste code: 17 05 03) has been accepted on this site. In Q3 and Q4 2014-2015, 1000t and 250t of this waste was received on site respectively. A **category 3 breach** is being scored for this non-compliance with the permit.

(C2) Management systems: Permit condition 1.1.1 – Category 3 breach

It has been identified that the root cause of the above breaches is related to poor management procedures, since these breaches would not have been scored if the procedures outlined in your WRP and the permit were followed. A **category 3 breach** is therefore being scored for the non-compliance with the management systems in place.

On the CAR form dated 12/08/14, it was confirmed that non-permitted wastes (animal bedding waste from the farm and fines from the Transfer Station screener) were deposited on site for at least 12 months prior to the issuing of this report. As mentioned, such wastes have the potential to produce leachate, which poses a considerable environmental risk, particularly considering the horse ménage has not been engineered to manage leachate from the landfill. In response to this issue, transfer notes to Biffa were provided by yourselves to confirm that the waste in question was sent to them, but our correspondence with Biffa lead us to conclude that a small volume of the fines had been deposited on the horse ménage (as stated in CAR form dated 29/04/15). At this time, water sampling results confirmed that there had not been any environmental impact from this deposited waste.

However, there is potential that these non-permitted wastes may have leaked into the surrounding environment over time, and it is therefore important to determine whether this is the case. Because of this, and because of the acceptance of hazardous wastes on site as previously mentioned, the next appropriate step would be to undertake environmental monitoring to provide evidence that there has been no environmental contamination from this site.

The CAR form dated 29/04/15 also provided a deadline for the submission of the final survey, which was to be completed to ensure compliance with the approved drawings of the permit by 22nd July 2015. According to our records, this survey has still not been submitted.

ACTIONS:

- Please send NRW any of the annual survey submissions we appear to be missing
- Please undertake monitoring of the surrounding environment to ensure that there is no adverse environmental impact resulting from the activities of this permit.
- Please submit the final survey as previously requested in our CAR forms

If you have any issues with this report please contact David Warwick-Brown on 0300 065 3683 or david.warwick-brown@cyfoethnaturiolcymru.gov.uk

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_NRW0034543**

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Operator/Permit holder	Bryn Quarry Ltd	Date	31/01/2019

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.

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			
C3	C3	Please investigate this non-compliance and provide a justification as to why this waste was accepted	30/04/2019
C2	C3	Please send NRW any of the annual survey submissions we appear to be missing & submit the final survey as requested in previous CAR forms	30/04/2019
G1	C3	- Please undertake monitoring of the surrounding environment to ensure that there is no adverse environmental impact resulting from the activities of this permit.	30/04/2019

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.