

Compliance Assessment Report

Report ID:
CAR_NRW0034840

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

Site	Barry Plant	Permit Ref	BB3096CB			
Operator/Permit holder	BDC Aggregates Limited					
Regime	Waste Operations					
Date of assessment	15/02/2019	Time in	13:00	Out	13:30	
Assessment type	Site Inspection					
Parts of the permit assessed	Part of permit assessed					
Lead officer's name	Coleman, Craig					
Accompanied by	Moggridge, Lara					
Recipient's name/position	Philip Bowles/ Director	Date issued	20/03/2019			

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	Permit condition 1.1.1
C3 - General Management - Materials acceptance	C3	Permit condition 2.3.2

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

Barry Docks Site Visit – BDC Aggregates (EPR/BB3096CB) – 15/02/2019

Environment officers Craig Coleman and Lara Moggridge visited the BDC Aggregates facility at ABP, Barry Docks, Vale of Glamorgan on 15/02/2019 to conduct an initial site inspection following the issue of your permit on 18/12/2018, to monitor site compliance with the conditions of that permit, to discuss the site processes; and outline your responsibilities as a waste operator. During our visit we met with the Ready Mix Concrete Technical Manager.

(C2) Management Systems: Permit condition 1.1.1 – Category 3 Breach

A Category 3 breach has been scored against this condition.

1.1.1 The operator shall manage and operate the activities:

(a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and;

(b) using sufficient competent persons and resources.

The site is to be operated in accordance with its Standard Rules Permit and an Environmental Management System (EMS). This condition requires you to have a written management system, run your activities according to it, and improve it if you are not compliant. The management system must be in place once your site is operational and available to NRW. An EMS was not available during the site inspection, and due to the issues noted on site it was evident that an effective EMS is not being implemented on site.

Action: Please provide Natural Resources Wales with a copy of the Environmental Management System by 03/04/2019.

(C3) Materials Acceptance: Permit condition 2.3.2 - Category 3 Breach

A Category 3 breach has been scored against this condition.

"2.3.2. Any waste that does not comply with 2.3.1 shall be rejected and shall be;

(a) Removed from the site; or

(b) Moved to a designated quarantine area pending removal."

The site has been accepting waste fines under the code EWC 19 12 12. The site is permitted to accept waste under 19 12 12, but as outlined in the waste table 2.3 of the permit the waste type is restricted to *"treated bottom ash including IBA and slag other than that containing hazardous substances only"*. Therefore, the site is not permitted to accept this waste and the material on site must not be diluted with other aggregates on site.

There is also a large pile of carpet underlay or running track material (EWC 20 01 11) being kept on site, this waste stream is not listed amongst the authorised waste codes on your permit. You have informed us that this material is intended to be utilised under your machinery or plant. We would expect it would wear quickly under the large machinery on your site and so cannot understand how it would be useful to you. Therefore, please can you clarify how this will be beneficial to your operations and exactly where and how it will be used? Natural Resources Wales would only allow this to be utilised on site if there is a legitimate reason, and if appropriate management system procedures were in place to maintain the material. Furthermore, as it is a waste material, it cannot be accepted at any other site without an appropriate permit in place allowing its acceptance and use. As it is now under your control, it is your duty of care to ensure it is not moved to another unpermitted site.

Both of the highlighted wastes need to be removed from site to an authorised facility and the duty of care notes provided to Natural Resources Wales to evidence the transfer.

Action: Waste it to be removed to an authorised facility by 01/05/2019.

Additional Comments:

There is contiguous pile of waste from the rear of the site to the entrance, there was little to no passage through the waste which is concerning as the permit has only recently been issued. The waste is over 4m in height in some places. We suspect that the site is currently already close to or at the maximum capacity of waste allowed in the permit, the site certainly cannot accept any more waste due to space restrictions. The site lacks organisation and does not appear to be treating waste. The primary intention was to conduct an initial site inspection. As highlighted in the above breaches there does not appear to be an EMS in place for staff to be trained in line with or follow in event of an incident. The waste transfer notes were correctly being held and the member of staff on site understood that they were to be retained for two years. We explained the Compliance Classification Scheme and that documentation would be available as part of the public register.

Craig Coleman

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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

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Site	Barry Plant	Permit Ref	BB3096CB
Operator/Permit holder	BDC Aggregates Limited	Date	15/02/2019

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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	Action: Waste it to be removed to an authorised facility by 01/05/2019.	01/05/2019
C2	C3	Action: Please provide Natural Resources Wales with a copy of the Environmental Management System by 10/03/2019.	03/04/2019

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.