

Compliance Assessment Report

Report ID:
CAR_NRW0035549

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	17/07/2019	Time in	10:30	Out	11:00
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	08/08/2019		

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
C3 - General Management - Materials acceptance	C3 - Suspended	Permit condition 2.3.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 - Suspended	Permit condition 4.2.2

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)	0
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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) – 16/07/2019

Environment officers Craig Coleman and Lara Moggridge visited the BDC Aggregates facility at ABP, Barry Docks, Vale of Glamorgan on 16/07/2019 and met with Philip Bowles, the director, to discuss the upcoming deadline for the Regulation 36 notice served on 20/06/2019 in conjunction with CAR_CAR_NRW0035276. The volumes of waste on site remained much the same.

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

Score Suspended

"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."

Score suspended means that we have recorded the non-compliances on the CCS database but will not count them towards your compliance rating for the time being. NRW understand that some complex non-compliant situations take a long time to resolve, as such we have suspended the CCS score in this instance to allow us to provide you time to improve the performance of BDC Aggregates. This can only be done for a maximum of six months and doing so is a decision taken by site regulator and may be withdrawn if BDC does not show signs of improvement.

The waste fines (19 12 12*) from a metal processing site that were actioned to be removed in CAR_NRW0034840 have started to leave site, but at the time of the site visit a sizable quantity remained. Natural Resources Wales requires that these wastes be removed to an authorised waste facility. A Regulation 36 notice was served in conjunction with CAR_NRW0035276 which outlined the operator's duty to remove this waste within by the deadline of 19/07/2019 with evidence provided of the removal in the form of duty of care waste transfer notes to be provided. On the visit the running track material was still being stored in and amongst the waste on site and not being maintained as if it were intended for use as has been suggested. If it is intended for use, please store it in a manner that suggests so otherwise the material will have to be removed.

Action: Waste is to be removed to an authorised treatment facility in accordance with the Regulation 36 Notice by 19/07/2019 and paper work to be forwarded to NRW's regulatory officer.

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

Score Suspended

"2.1.1 The operator is only authorised to carry out the operations specified in table 2.1 below ("the activities")

Storage of wastes listed in table 2.4 shall not exceed 10,000 tonnes in total at any one time.

All other wastes stored shall not exceed 40,000 tonnes in total at any one time."

The volume of waste on site is still in excess of the tonnages specified in the permit. As outlined in the Regulation 36 notice, the quantity of waste on site will have to be reduced to within permitted levels within the allotted time of the notice.

Action: Waste it to be removed to an authorised treatment facility in accordance with the Regulation 36 Notice by 20/09/2019.

(G4) Reporting & Notifications to NRW: Permit condition 4.2.2 – Category 4 Breach - Suspended

Score Suspended

"4.2.2 Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter."

Natural Resources Wales has not received the end of year waste returns for the site. Please submit these so they can be reviewed.

Action: Please submit the waste returns for the site by 20/09/2019.

Craig Coleman

03000 65 4363

Craig.Coleman@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

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Site	Barry Plant	Permit Ref	BB3096CB
Operator/Permit holder	BDC Aggregates Limited	Date	17/07/2019

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
G4	C4	Action: Please submit the waste returns for the site by 20/09/2019.	20/09/2019
C3	C3	Action: Waste is to be removed to an authorised treatment facility in accordance with the Regulation 36 Notice by 19/07/2019 and paper work to be forwarded to NRW's regulatory officer.	19/08/2019

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.