

Compliance Assessment Report CAR_NRW0039945

Permit being assessed: BB4002501

For: VALE BUSINESS PARK STW VALE BUSINES, held by LEL (PROPERTIES) LTD
At: VALE BUSINESS PARK STW VALE BUSI, VALE BUSINESS PARK LLANDLOW,
LLANDLOW, LLANDLOW, LLANDLOW.

Type of assessment carried out: Check Monitoring/Sampling, Reason: Routine.

On 24/05/2022.

Parts of permit assessed: Numeric conditions

NRW Lead Officer: Alex Grabham.

Report sent to: Karen Tilley, Managing Director, on 26/05/2022.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-C1 - Emissions and monitoring - Emissions to water	C2 Significant	Biological Oxygen Demand must not exceed 20 mg/l
WQ-C1 - Emissions and monitoring - Emissions to water	C3 Minor	Total Suspended Matter must not exceed 30 mg/l

Result types are explained in more detail in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
WQ-C1	Action complete - Please let me know within fourteen days the reason for this failure and the steps that you intend to take or have taken to prevent recurrence	Already completed
WQ-C1	Action complete - Please let me know within fourteen days the reason for this failure and the steps that you intend to take or have taken to prevent recurrence	Already completed

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

Dear Karen

Thank you for your email dated 23 May 2022 in response to CAR_NRW0039905, in which you detailed the reason for the sample failures on 6 April 2022 and the remediation work that has taken place. The actions listed above have been marked as completed.

You have informed us that the failure was attributed to the final tank not being cleared for two consecutive months. The remediation work involved a deep clean of the facility including the final tank. Visits to both the Industrial estate and Trading estate units to ensure materials that could damage the treatment plant were not being discharged into the foul sewer. Samples were also taken of the final discharge.

I am satisfied that this response is sufficient to mitigate continued environmental impact on this occasion.

I also acknowledge, moving forward you have requested your contractor to clean the final tank during each site inspection and to carry out monthly sampling. Please ensure that the treatment plant is kept in a fully operational condition and that maintenance is carried out on a regular basis.

However, the sample taken on the 6 April 2022 resulted in a Biological Oxygen Demand of 62.6mg/l and Total Suspended Matter of 43mg/l. These results had the potential to cause an environmental impact on to the receiving watercourse.

Therefore, on this occasion we have made the decision to issue a **Warning** for the breach of the following permit conditions on the 6th April 2022:

- Biological Oxygen Demand must not exceed 20mg/l
- Total Suspended Matter must not exceed 30mg/l

We therefore believe that you have committed the following offence:

Offence: Contravention of Regulation 38 (2) of the Environmental Permitting (England and Wales) Regulations 2016: It is an offence to fail to comply with or to contravene an environmental permit condition.

Date: On 6th April 2022

We have issued this **warning** as a response to the above offence on this occasion, however, our decision could change if any further relevant information comes to light, including, but not restricted to, information that:

- the environmental impacts of this offence are greater than we presently understand them;
- the offences are continuing or have been repeated.

We will take this offence into account if we consider that the Company is involved in any future offending.

This warning does not:

- prevent any other prosecuting authority taking action against the Company or;
- affect our right to issue enforcement, clear-up or remediation notices; or seek recovery of costs or damages according to law.

If you wish to complain about the manner in which the investigation has been conducted, our complaints procedure can be found on the Natural Resources Wales website.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm to the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend non-compliance for up to six months to allow time for remedial action to be taken. These will be re-instated if the action is not completed.

Full list of water quality action criteria (used in section 1 and 2):**WQ A: Management**

- WQ-A1 General management

WQ B: Operations

- WQ-B1 Permitted activities
- WQ-B2 The site
- WQ-B3 Operating techniques
- WQ-B4 Improvement programme
- WQ-B5 Pre-operational conditions

WQ C: Emissions and monitoring

- WQ-C1 Emissions to water
- WQ-C2 Emissions to land
- WQ-C3 Emissions of substances not controlled by emission limits
- WQ-C4 Installation of monitoring boreholes

WQ D: Information

- WQ-D1 Records
- WQ-D2 Reporting
- WQ-D3 Notifications

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be

added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.