

Compliance Assessment Report CAR_NRW0042767

Permit being assessed: XB3393HM.

For: Project Red Recycling, **held by:** Project Red Recycling Limited

At: Heol Creigiau, Efail Isaf, Pontypridd, CF38 1BG.

Type of assessment: Site Inspection,

Reason: Routine.

On: 21/09/2023 between 11:45 and 13:40.

Parts of permit assessed: G2, B4, C2.

NRW Lead Officer: Elysia Lovelock, accompanied by Laoni Tye, Amy Bailey.

Report sent to: Environmental Manager and TCM holder, Environmental Manager and TCM holder, on 12/06/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	C2 Significant	1.1.1, 2.3.1, 2.3.2 (consolidated) & root cause of 2.1.1
B4 - Infrastructure - Containment of stored materials	C3 Minor	2.1.1
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C4 No impact	4.1.2

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

Total non-compliances recorded	Total non-compliance score
3	35.1

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
W1A	Please ensure the sites operations are managed in line with the sites EMS and provide a revised EMS addressing the relevant points contained in the CAR. Please refer to content	06/03/2024

Criteria	Action needed	Complete by
	of CAR for further details. Please provide a date, by 6th March 2024, for agreement with NRW, by which the issues highlighted can be addressed by the Operator.	
B4	Ensure operations are in line with Table S1.1, and are as described in the sites management system. Undertaking the necessary improvements required to ensure the hardstanding can meet the standard required. Please refer to content of CAR for further details. Please provide a date, by 6th March 2024, for agreement with NRW, by which the issues highlighted can be addressed by the Operator.	06/03/2024
G2	Improve operations by ensuring that records are kept on site. Please provide a date, by 6th March 2024, for agreement with NRW, by which the issues highlighted can be addressed by the Operator.	06/03/2024

Compliance 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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

[COMPLIANCE ASSESSMENT REPORT amended 10/01/2024 and 16/02/2024]

I, Senior Industry and Waste Regulation Officer Elysia Lovelock, Senior Waste Regulation Officer Laoni Tye, and Industry and Waste Regulation Officer Amy Bailey of Natural Resources Wales attended the permitted facility of Project Red Recycling, Heol Creigiau, Efail Isaf, Pontypridd, Rhondda Cynon Taff, CF38 1BG on Thursday 21st September 2023 to undertake an unannounced site inspection, arriving at approximately 11.45am. During the visit, the weather remained unsettled and overcast.

Project Red Recycling hold a Tier 3 bespoke environmental permit reference EPR-XB3393HM, originally issued in 2014, which allows the operator to operate an inert and household, commercial and industrial waste transfer station with treatment activities These include screening, crushing and bulking up for recovery elsewhere for inert, and the additional activities of compacting and baling for the HCI waste and for food waste, bulking only for onward transfer. No hazardous wastes are permitted. Permit variations 001-006 apply.

The purpose of the unannounced site inspection was to assess the sites compliance with the conditions of the environmental permit held by Project Red Recycling.

Shortly after our arrival, we were met by the Site Manager Simon Mitchell, followed by the site's Recycling Manager Howard Oakes and sometime later, we were joined by the sites Environmental Manager and Technically Competent Management (TCM) holder, George Harvey. As we were accompanied around the site, operations were paused where necessary, operations were explained, where required and questions answered. With prompt follow-up correspondence received from the Operator in relation to any queries.

The areas addressed during the visit are explained below under corresponding sub-headings.

Impermeable surface with sealed drainage (A2 – Household, commercial and industrial waste transfer station with treatment)

During the visit, officers raised the drainage channels, the sites sump and the concrete blocks which skirt the perimeter of the area of the site which benefits from an impermeable surface with sealed drainage.

The sites TCM explained the concrete blocks were voluntary improvements that were made and are in addition to the existing concrete bund. Whilst we appreciate that this was a voluntary improvement, this was raised, as gaps between the concrete blocks were visible during the inspection (shown below) and a concrete bund behind was not visible, or apparent (shown below), to enable us to inspect the condition of the concrete bund during the inspection. As well as the drainage channels, which were also not visible for inspection, due to pooling water and the position of the Roll On Roll Off (RORO) skips containing wood waste.





The location and logistics of inspecting the site's sump were also discussed, as access appeared challenging due to overgrowth. Below is the drainage infrastructure currently in place. I believe during the visit, the discussion did not entirely address that the tank and sump are separate drainage infrastructures, both requiring regular inspection.

Drainage Infrastructure



The site's TCM advised that the concrete bund was not visible due to the accumulation of windblown waste behind the concrete blocks. Therefore, evidence demonstrating the condition of the site's concrete bund, drainage gullies and sump were subsequently requested and followed up via email following the visit.

In correspondence following the visit on 25th September 2023, the site's TCM demonstrated the condition of the site's infrastructure listed above, post-site inspection, providing photographs and evidence of a recent inspection performed by OK Environmental. Whilst we appreciate the photographs and evidence provided post-inspection, the site condition is assessed based on the condition observed during the site inspection. This is prevalent, as inspections undertaken by site operatives as routine checks done to assess the condition of the site's infrastructure would also not be possible, as they would also be unable to assess

condition of infrastructure that is not visible.



From the photographs provided above, it appears the gaps between the blocks have been filled. However, if there are remaining gaps, please ensure the concrete bund behind the concrete blocks remains visible for inspection purposes, so the integrity of site's infrastructure can be assessed, by site operatives during routine maintenance and NRW during inspections.

Sump

Following receipt of the ticket from OK Environmental provided as proof of inspection, I note it was for the inspection of the underground tank and the checklist did not include inspection of the sump.

When querying the above via email with the site's TCM, I was advised that the sump is inspected/monitored during the daily site checks as part of the water levels on site and drainage channels. The sites TCM suggested modifying the sites inspection checklist to specifically reference this and as it is not currently checked at the same time as the tank, the site's TCM suggested this would be prudent going forward and will therefore include this in future inspections.

Action: As suggested, please make the necessary improvement to the site's inspection checklist and ensure inspections going forward by OK Environmental include the sump, at the same time as the underground tank. 2. Please refer to point 3 under 'EMS' below for the information that is currently stated in the sites EMS regarding the above infrastructure. Please ensure the sites EMS corresponds accordingly and an updated version is submitted to Natural Resources Wales for review. For further actions required regarding the EMS, please see below under the heading 'Environmental Management System EMS'.

Advice & Guidance: In relation to the examples of completed Sites Maintenance & Inspection Checklists provided via email on 28th Septembers 2023, I note there is no section to add comments, should issues be detected during a site inspection. As I note comments have been written by hand at the bottom of the page. For record keeping purposes, please consider amending the sites checklist, so that there is sufficient space to add comment and document what happens when defects/issues are detected and how

they are resolved/addressed.

Temperature monitoring

Whilst on site, officers witnessed some minor steaming, and the temperature monitoring procedure was queried accordingly with the sites Recycling Manager. The site's TCM confirmed following the site visit that temperature monitoring occurs daily and consists of a visual check only, but is also undertaken using a heat monitor gun, as required. I noted the sites daily inspection checklist only referred to 'Fires/Temperature' as a check, therefore further clarification was required.

The TCM advised that readings are not recorded specifically, as the site uses an over and above measure, with the frequency of rotation and stock movement being the significant main mitigating factor. With the site operating on low material retention periods, steaming can be observed with 'fresh' and old material, and can be influenced by other factors, other than self-heating i.e., atmospheric conditions. For any material that should remain on site for longer than the prescribed retention times, the site operator recognises that it would be at a greater risk of self-combustion, and would in those circumstances, implement suitable mitigation measures including turning and formal temperature reading recording. I was also provided with a copy of the sites Fire Safety Logbook demonstrating the daily fire safety checks that are undertaken.

1.1 General Management

Permit condition 1.1.1 states:

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.

1.1.2 Records demonstrating compliance with condition 1.1.1. shall be maintained.

1.1.3 Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of it kept at or near the place where those duties are carried out.

Environmental Management System EMS

Following the visit, on the 5th October 2023, the sites TCM provided an updated EMS for the site, issue date 28 June 2022 and confirmed that the only changes implemented in the updated EMS, compared to the EMS dated February 2021, were to the format and reference to the sites TCM holder updated.

The EMS provided will be reviewed in due course. At the time of writing the CAR following

the visit, I make reference to EMS version 'PRR_EMS_Consolidated_February 2021', as the above changes do not affect the below comments.

A number of non-compliances with the sites written management system were identified during the visit, including the following:

1. The sites EMS titled 'PRR_EMS_Consolidated_February 2021', states: *'Any food waste is also received on the concreted area in separate building with a roller shutter door and sealed skip within'*. I note, during the visit, the food waste was not contained within a sealed skip and the roller shutter door was not in working order.



Please note, the implementation of suitable containment measures here could also mitigate any odour and pest issues. As stated in the sites EMS 'Due to the changes in EWC code following the recent variation, there is an increased risk of pest infestation at the site.'

I also note, the EMS states: *'If any defects are found across the infrastructure of the site, these will be recorded within the site diary and appropriate action (remediation and repair work) will be taken to prevent any potential pollution events occurring. Repair work will aim to be completed within 5 working days of the initial defect report.'*

2. In relation to the buildings, the sites EMS states: *'The building'... 'does not allow for any ingress of water.'* During the visit, this did not reflect operations found on site, as water was present within both buildings. Please ensure the buildings meet the above specification, *'The building'... 'does not allow for any ingress of water.'*



3. With reference to the above section 'Sump', the site's EMS states, *'the sump will be visually inspected by a qualified engineer every year as detailed within the Environmental_RA.'* I note, the copy provided of the inspection report 'Site Tank Inspection PRR1 – 21062023' from OK Environmental Services Ltd for an inspection in June 2023 was for inspection of the underground storage tank. As clarified above with the sites Environmental Manager/TCM, this inspection does not include inspection of the sump, therefore, please make the necessary procedural amendments, providing clarification concerning the annual inspection of the sump by a qualified engineer within an updated EMS, as discussed via email.
4. For issues observed on site where waste acceptance checks were not performed by the weighbridge operator, resulting in the site accepting potentially hazardous (as unchecked) bituminous mixtures, please refer to the information below under '2.3. Operating techniques' and 'RD051'. An internal investigation by the Operator is required to ensure the cause of the non-compliance with the sites waste acceptance procedures is rectified moving forward.

In relation to the EMS, I note the sites waste acceptance procedures do not currently make any distinction between the acceptance of HCI waste and inert waste. Therefore, in an updated EMS, please clearly define where 'reception bays' should apply in relation to the site's activities. Also, due to the acceptance of waste under RD051, please ensure specific procedures are documented in an updated EMS, as waste accepted under RD051 are subject to specific conditions and only covers excavated wastes resulting from emergency works, produced by (or on behalf of) utility companies that are members of Street Works UK. For further information, please see below under RD051.

5. Page 14 of the EMS states 'Inert materials will be stored post processing and pending sale/removal from site on hardstanding surfaces. The materials are stored in dedicated bays and are signposted with information detailing batch numbers.' The bays observed on site did not display batch numbers, they are named e.g., '10mm Clean' or 'Recycled Type 1'. Therefore, please ensure written site procedures are up to date, and day-to-day operations correspond accordingly with the sites Environmental Management Procedures.

In addition to the above, please address the following in an updated EMS:

6. I note, under the waste listed in the EMS, as to be accepted under the permit, as part of updating the EMS, please amend the description under EWC 17 03 02 – it should state '*bituminous mixtures other than those mentioned in 17 03 01*'. As it currently says – 'Bituminous mixtures other than those mentioned in 17 05 03'
7. In the unlikely event that a waste type is accepted onto site which is not a permitted waste type, that does not conform to the written description of the waste producer or within tonnage limits, the sites EMS provides details of a quarantine bay on page 11. However, please clarify in the EMS if the quarantine area described is for both activities, or for waste accepted only under activity reference – 'A2 – Household, commercial and industrial waste transfer station with treatment'. As the EMS mentions tipped material that will be tested (if chemical contamination is suspected), please clarify the information on the quarantine bay in an updated EMS, explaining where and how specifically waste, under activity reference 'A1 – Inert waste transfer station with treatment', pending analysis or rejection is quarantined. As it is unclear where the bitumen was quarantined on site, wrapped in what appears to look like damp proof membrane (please refer to the photograph included below under the section on the RD051). As the EMS describes the quarantine area as a section of the yard that also benefits from concrete and sealed drainage, located away from the rest of the waste and product material on site to avoid any potential cross contamination. The EMS also talks about the use of a 40yd sealed skip; however, the procedures outlined are not clear on what circumstances a sealed skip would be used.
8. The EMS addresses the storage of inert material (waste soil and aggregate) post

processing and pending sale/removal, however, please ensure how it is stored, prior to processing, is also included in the sites EMS.

9. Please review the requirements of the permit's conditions under '4.3 Notifications', which details in what circumstances Natural Resources Wales shall be notified and update the EMS accordingly.
10. Page 15 of the EMS states 'An earth bund/new fence has been constructed around much of the site to allow for clear demarcation of the boundary to the site and as a secondary pollution prevention mechanism in response of the inert processing area.' Please review this information and specify exactly where the earth bund exists and provide clear information within the EMS as to what parts of the site benefit from what containment measures, and consider including a procedure within the EMS which addresses the routine inspection and maintenance of the earth bund in place, in order to mitigate against the risk posed in order protect the watercourse. Considering whether an earth bund is an appropriate secondary pollution prevention mechanism next to an area of hardstanding where significant pooling occurs, noting the site's gradient slopes in the direction of the watercourse. As an earth bund is permeable, and pooling run off should permeate via the ground in the inert processing area.
11. In updating the EMS, please ensure the document includes the appendices; drawings/plans etc. as referenced within the EMS.
12. Please refer to the section below under 'Hard standing' for information requiring review within the EMS under 'On site drainage', as some clarity is required within the information provided, regarding infiltration and percolation and the need for maintenance vs mechanical intervention (i.e., pumping away), when pooling occurs. As if the site's hardstanding compacts and is not maintained through excavation and refilling with hard core when required, compaction will cause pooling, however the EMS also states pooling will/can be dealt with via mechanical intervention. Therefore, clarification is required on when and how maintenance vs mechanical intervention is deemed necessary.

Result: A consolidated category 2 (C2) non-compliance with permit condition 1.1.1, 2.3.1 and 2.3.2 (see below under 2.3 Operating techniques for details) which has the potential to have a significant environmental effect, has been recorded on this occasion for the reasons outlined above and under 2.3 Operating techniques below, under sub-criteria (C2) Management systems and operating procedures. And has also been recorded as the root cause breach for the subsequent breach identified under permit condition 2.1.1.

Action Required: Please ensure the sites operations are managed in line with the sites EMS and provide evidence that the site has ensured compliance by addressing the issues highlighted above, points 1 to 12, and the action detailed under sub-heading 'Sump'. As part of this, please provide a date by which an updated EMS can be provided to NRW for review.

Action Due: Please provide a date, by 6th March 2024, for agreement by NRW, by which the issues highlighted above can be addressed, and an updated EMS be provided to NRW.

2.1 Permitted activities

Storage of waste

Permit condition 2.1.1 states:

The operator is authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”).

Table S1.1 states under A2- Household, Commercial and Industrial : ‘All activities must take place within a building equipped with suitable containment measures’.

Activities include “R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced).

During the visit, officers observed the below storage practices.





Please ensure the necessary improvements to operations are undertaken to ensure that HCI waste is stored, as specified by the permit. Please also note, the sites FPMP states 'The vehicles will deposit the waste directly into the building where it will be bulked up into individual stockpiles.' This information does not correlate with the operations observed on site.

Hardstanding

Permit condition 2.1.1 states:

The operator is authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities").

In respect of the inert waste activity, Permit variation V006 issued 27/10/2020, 'Table S1.1 activities' under 'A1 – Inert waste transfer station with treatment', 'Limits of activities' it states: 'Waste shall be stored and treated on hard standing.'

Hardstanding means ground surfaced with a durable hard material. It must be level, load-bearing, not prone to rutting or surface water ponding, and able to be kept clean of debris.

I note, during the visit, significant pooling was observed in this area of the site and therefore, does not meet the above requirements for a hardstanding.



In relation to the above, the sites EMS states 'The external yard is drained through surface infiltration and percolation. The nature of the site allows for clean (uncontaminated) water to freely drain into the ground and the substrate acts as a natural filter to prevent the passing of silts to the watercourse. This surface will need to be maintained as the heavy plant that is stationed at the site causes the hard standing to compact, preventing infiltration. These areas will need to be excavated and re-filled with clean hard core to allow the drainage to work effectively once more. This will be done as and when required based on the findings of the site supervisor.'

The EMS is not clear here on, in what circumstances, maintenance is required vs mechanical intervention to address pooling and how this is assessed by the site supervisor. Therefore, please address this in an updated EMS, as the EMS should explain how that assessment is made to determine what action is required, i.e., at what volumes of water or frequency of pooling, does there become a need to resurface the hardstanding, as these are likely indicators that infiltration is being prevented due to compaction, as opposed to resorting to ongoing mechanical intervention.

I also note, during the inspection, no mechanical intervention was in place addressing the pooling on site, as stated as the procedure in the sites EMS. Furthermore, the sites boundary sits within approximately 20 metres of the nearby watercourse, therefore if the earth bund failed, containing the pooling water, which should be percolating to ground via the hardstanding, there is a potential for the waste activity to have an impact on the

Nant Myddlyn. The map on the left below illustrates the position of the watercourse and the aerial on the right shows the site in relation to its proximity to the watercourse.



Please also consider the location of where the water is pooling, being the only access and egress point for the HCI waste transfer station part of the site. Which if not addressed, has the potential to impact the only access and egress route for the HCI waste transfer station, for example, in the event of an emergency.

Result: Following review of this CAR, a category 3 (C3) non-compliance with permit condition 2.1.1, which has the potential to have a minor environmental effect, has been recorded for the issues outlined above, in relation to the permits activities specified in schedule 1 table S1.1, under sub-criteria (B4) Containment of stored materials. The root cause of the issues identified here have been scored under C2 – Management systems.

Action Required: Undertake the necessary improvements required to ensure the hardstanding can meet the standard required, as described above.

Action Required: Ensure waste is stored in line with Table S1.1, 'within a building equipped with suitable containment measures.' And is as described in the sites management systems.

Action Required: In updating the management system, ensure that the content within the EMS regarding maintenance vs mechanical intervention of the hardstanding and how that assessment is made, is defined within an updated EMS.

Action Due: Please provide a date, by 6th March 2024, for agreement by NRW, by which the issues highlighted above can be addressed, in order to meet the standards required.

Additional Action: As part of the above, you must include a plan for routine inspection and maintenance of the site's infrastructure in your management system and maintain records that demonstrate implementation.

Due: Please provide a date by which you can ensure that the above has been included in any revised EMS and provide confirmation, or if amendment is required, propose a date for resubmission to Natural Resources Wales, for agreement with Natural Resources

Wales, , by 6th March 2024.

2.3 Operating techniques

Permit condition 2.3.1 states:

- a. The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by Natural Resources Wales.

Permit condition 2.3.2 states:

Waste shall only be accepted if:

- a. It is a type and quantity listed in schedule 2 table(s) S2.1 [, S2.2 etc]; **and**
- b. It conforms to the description in the documentation supplied by the producer and holder.

In relation to permit condition 2.3.1, the sites acceptance procedures state *'all wastes that are received at Project Red Recycling are both visually checked when tipped off and when weighed in at the weighbridge. Duty of care paperwork is checked by the operative in the weighbridge to ensure that the waste is compliant with the EWCs on the permit of the site.'*

During the site inspection, officers observed the acceptance of bituminous mixtures with visible hydrocarbons present, without waste acceptance checks being performed, as described in the sites EMS, or relevant documentation furnished, as required under permit condition 2.3.2. In addition to this, in the absence of the above being followed, the waste was then deposited onto an existing stockpile of non-hazardous inert waste. The operator is required to comply with condition 2.3.2. for documentation, and 2.3.1., which requiring waste acceptance procedures to be followed. Therefore, a breach of condition 2.3.1 and 2.3.2 have been recorded on this occasion, because of, the absence both relevant documentation i.e., a waste transfer note and waste acceptance checks, there is a potential for the site to inadvertently accept a waste which they are not permitted to accept, e.g., hazardous waste.

Proof of analysis requirement

The site is permitted to accept '17 03 02 non-hazardous bituminous mixtures', which is a mirror non-hazardous entry code, of hazardous entry code EWC 17 03 01*. And as such, can only be accepted on site if it is either accompanied by analysis of the waste carried out in line with "Guidance on the classification and assessment of waste (1st Edition v1.2.GB) Technical Guidance WM3" that shows it is non-hazardous, or if it is accepted under RD051 and all conditions of the RD are met.

Mirror hazardous entry codes – proof of analysis exceptions

Whilst on site, the sites Environmental Manager and TCM holder advised us that 'RPS211' applied on this occasion, removing the requirement for analysis.

RD051

In response to the Environment Agency's Regulatory Position Statement RPS211 (which only applies in England), Natural Resources Wales chose to adapt this and produced Regulatory Decision 051.

Advice & Guidance: Regulatory Decision 051 applies to excavated waste from utilities installation and repair, which is currently valid until April 2024. At which time Natural Resources Wales' decision will be reviewed, at which stage, we would recommend Operator's check the validity with the regulatory body.

The Regulatory Decision RD applies to businesses who deal with excavated waste from unplanned utilities installation and repair works. It allows the classification of certain excavated waste as non-hazardous. Allowing businesses to move the waste as non-hazardous under a waste transfer note.

If the conditions of the RD are followed, you do not need to do a hazardous waste assessment for excavated wastes that are covered by the RD. If the conditions cannot be followed, you must follow the waste classification technical guidance to assess and classify all excavated waste.

Please note, the RD only covers excavated wastes produced by (or on behalf of) utility companies that are members of Street Works UK and :

- Are from unplanned utilities installation and repair
- Would be classified under European Waste Catalogue (EWC) codes:
 - 17 01 01 concrete
 - 17 01 02 bricks
 - 17 01 03 tiles and ceramics
 - 17 01 07 non-hazardous mixtures of concrete, bricks, tiles and ceramics
 - 17 03 02 non-hazardous bituminous mixtures
 - 17 05 04 soil and stones
 - 17 09 04 non-hazardous mixed construction and demolition wastes
- Would not be classed as hazardous under the producer's company procedures
- Are not known or reasonably suspected to be hazardous, for reasons including (but not limited to):
 - Visible and olfactory presence of hydrocarbons and other chemicals
 - Waste containing visible pieces of material that contain asbestos
 - Asphalt (tarmac) road surfaces likely to contain coal tar – for example, hose laid in the 1980s or before
 - Waste from excavations on contaminated sites if previous site investigations identified hazardous waste
- You must:
 - Send the waste to a permitted site
 - Describe the excavated waste on any transfer note as 'not assessed and

classified in reliance of RD051'

- Keep records for 2 years that show you have complied with the RD and must make these records available to Natural Resources Wales on request.
- You must not:
 - Generate more than 10 cubic metres of waste at the excavation site
 - Treat or use the waste under an exemption

You must meet the relevant objectives of the Waste Framework Directive, ensuring that waste management is carried out without endangering human health, without harming the environment and in particular: (i) without risk to water, air, soil, plants or animals; (11) without causing a nuisance through noise or odours; and (iii) without adversely affecting the countryside or places of interest

However, on this occasion, the RD was not complied with as it specifies that documentation is required and that the waste is not known or reasonably suspected to be hazardous, for reasons including 'visible and olfactory presence of hydrocarbons'. We also do not know whether the company depositing was a member of the street works UK, as there was no paperwork or checks performed.

The sites Environmental Manager/TCM holder informed me that steps had been taken following the visit, to quarantine the material, as a precautionary measure on this occasion, pending analysis (as shown below).



Waste analysis results

Following analysis, the sites Environmental Manager/TCM shared the results with Natural Resources Wales, which found the material deposited on site to be non-hazardous. The analysis results supplied have been reviewed by Natural Resources Wales and further information is required. Please see below under 'Action Required' for details.

Result: Following review of this CAR, non-compliance with permit conditions 2.3.1 and 2.3.2 have been consolidated under the Category 2 breach recorded as the root cause of the issue here, which is non-compliance with site procedures which include waste acceptance and permitted waste types, scored under C2 – Management systems.

Action Required: Please improve operations to ensure that all site procedures are

followed, including waste acceptance procedures at the weighbridge, by ensuring operatives are suitably trained, and specific procedures are in place for waste accepted under RD051.

Action Required: Please provide an updated Environmental Management System, ensuring procedures are clearly documented and contained within the sites EMS.

Action [COMPLETE]: In relation to the supplied analysis result and the sites sampling procedure, please provide the following information:

- 1). Please confirm that the site's sampling procedure was followed to ensure that the sample was representative of the waste concerned.
- 2). Please confirm that suitable containers were used for sample and transport, and that integrity was maintained during the transport and receipt of sample.
- 3). It is noted that all VPH/EPH were assigned to "asphalt (bitumen) petroleum group for blacktop", please could you provide the justification for this choice of substance.
- 4). Please also incorporate the sites sampling procedure as part of the updated EMS.

Action Due: Please provide a date, by 6th March 2024, for agreement by NRW, by which the necessary maintenance/improvements can be undertaken, and procedures documented as detailed above, within an updated EMS.

4.1 Records

Permit condition 4.1.2 states:

'The operator shall keep on site all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by Natural Resources Wales.'

As the relevant paperwork and records pertaining to the sites Environmental Permit and compliance with the permit were not on site and are being kept, in a place other than that specified by the permit, this is therefore a breach of the above condition.

Result: A category 4 (C4) non-compliance with permit condition 4.1.2, which has no potential environmental effect, has been recorded on this occasion, under sub-criteria (G2) Records of activity, site diary/journal/events.

Action Required: Improve operations by ensuring that records are kept on site.

Action Due: Please provide a date, by 6th March 2024, for agreement with NRW, by which the issue highlighted can be addressed by the Operator.

Advice & Guidance: In the event of unannounced site inspection in line with the Environmental Permitting Regulations, to assess compliance with the above condition, the regulation officer may ask an operator to demonstrate that records are kept on site.

The site visit concluded at approximately at 1340 hours.

Following submission of an updated EMS by an agreed date, this document will be reviewed in due course, along with the sites FPMP.

Enforcement response: In light of the operator's non-compliance with the conditions of RD051 and for the Category 2 breach recorded on this occasion, an enforcement response in line with our Enforcement and Prosecution Policy will be considered and issued in due course. With regards to the Category 2 non-compliance identified, Natural Resources Wales may consider issuing in a regulation 36 notice to formalise the actions required by an agreed date.

We wish to thank the Operator for their time during the regulatory site inspection and for the swift action taken by the Operator, following the visit in respect of quarantining the bitumen material and in correspondence via email providing the required information and evidence.

If you require any assistance or wish to discuss this report or the requirements outlined in this report, please contact Senior Industry and Waste regulation Officer Elysia Lovelock, in the first instance.

For a summary of the actions required, please refer to **Section 2. What action is required?**

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 of 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	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

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

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

Full list of Waste compliance criteria (used in section 1 and 2):

1. Management

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

2. Operations

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

3. Emission and Monitoring

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

4. Information

- W4A – Records
- W4B – Reporting
- W4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.