

Compliance Assessment Report CAR_NRW0040019

Permit being assessed: BB3991HN.

For: Tunnel Yard, held by Vale Recycling Limited

At: Alps Farm, Alps Quarry Road, Wenvoe, Cardiff, Vale of Glamorgan, CF5 6AA.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 31/05/2022 between 11:10 and 12:00.

Parts of permit assessed: B3, G4, C2, C1, C3

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

Report sent to: Byron Colston, Site Manager on 25/10/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3 Minor	2.4.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	
C1 - General Management - Staff competency/training	Action only (X)	
C3 - General Management - Materials acceptance	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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
B3	Please provide information regarding the current drainage in place for the area within the building structure. As there is an impermeable surface, this would require a sealed drainage system to avoid site run-off. If there is no sealed drainage in place, please provide a date by which information will be provided on the adjustments that will be made to ensure this area complies with permit condition 2.4.1. The hardstanding area of the yard appears to be sloping towards the banking, therefore we also require information regarding the improvements you intend to make in this area,	22/07/2022

Criteria	Action needed	Complete by
	to ensure that no run-off escapes the boundary of the site, as this would constitute an illegal discharge. Please provide a date by which you can provide a plan, detailing the improvements to be undertaken in accordance with condition 2.4.1, providing dates for projected completion. If there is any variation to the date provided, we would ask that Natural Resources Wales be contacted for a new date to be agreed.	
C1	Please provide a copy of the Technically Competent Managers Continuing Competency certificate. (COMPLETED)	23/06/2022

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.

At this time, we do not intend to take any further action.

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

**[CAR AMENDED 04 07 22 & 22 08 22 TO REFLECT COMPLETED ACTIONS BY OPERATOR ON 23 JUN 2022 & TO ACKNOWLEDGE SUBMISSION OF WRAP QUALITY PROTOCOL RECIEVED 23 JUN 2022],
[FURTHER AMENDMENT TO CAR MADE 25/10/22 TO REFLECTING WASTE RETURN STATUS]**

I, Industry and Waste Regulation Officer Elysia Lovelock and Senior Officer Laoni Tye attended the permitted facility of Tunnel Yard; Alps Quarry Road; Wenvoe, Cardiff, CF5 6AA on 31st May 2022 to conduct an initial site visit. Permit reference EPR-BB3991HN refers, issued 1st December 2020.

We were met on site by the Site Manager and landowner, Byron Colston, Director of Vale Recycling Ltd (Company number 05839523) at approximately 1110 hours. During the visit, the weather remained dry but unsettled.

The purpose of the visit was to explain what is required by the operator/holder of an environmental permit, to gain an understanding of operations that occur on site and assess compliance with the environmental permit.

The operator holds a standard rules permit – SR2010 No12, this permit allows the operator to store waste at the permitted facility and treat it to produce soil, soil substitutes and aggregate. Please see photographs taken during the visit included below, to provide context to the information contained within this Compliance Assessment Report.



It was established that the site has only been operational in recent weeks (May 2022), as removal of waste previously deposited there, had only recently been completed.

Following the visit, I provided information by email on Tuesday 14th June 2022, pertaining to the documents referred to during the site visit. Provided by the regulator to assist the operator in complying with the requirements of an environmental permit.

DOCUMENTATION

1. General management

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 operators as a result of complaints; and
- (b) using sufficient **competent persons** and resources.

2. Records demonstrating compliance with rule 1.1.1 shall be maintained.

As discussed on site with the Site Manager, Natural Resources Wales required a copy of the written management system and WAMITAB certificate of the Technically Competent Manager, for our records and review. I note, from the waste return Natural Resources Wales has on record, it shows that the Technically Competent Managers Continuing Competency expired on 05/02/2022.

To comply with the above condition, a copy of the Technically Competent Managers Continuing Competency certificate, was requested via email on Tuesday 14th June 2022 and was subsequently provided by David Mackay via email on 23rd June 2022.

A copy of the written management system was also requested, and provided by David Mackay via email on 23rd June 2022.

ACTION ONLY: Please confirm via email that Mr David Mackay is the Technically Competent Manager, as the

continuing competency certificate provided is for a 'James Mackay'.

ADVICE & GUIDANCE: In accordance with condition 4.1.2, please ensure you keep on site, all records and the management system required to be maintained by these standard rules, unless otherwise agreed in writing by Natural Resources Wales

PROCEDURES

2.3 Waste acceptance

2.3.1 'Waste shall only be accepted if:' (c) its chemical, physical and biological characteristics make it suitable for its intended treatment;' (d) any excavated soil from potentially contaminated sites has been shown by prior chemical analysis and assessment to be suitable for the intended use without significant risk of pollution;'

2.3.3 Records demonstrating compliance with rule 2.3 (including analysis and assessment of any excavated soil from potentially contaminated sites) shall be maintained.

The site manager advised that waste is only brought in from his own construction sites, is treated and then leaves as clean aggregate/inert waste, to be re-used as waste in construction on his own sites. He confirmed they do not accept waste from other sources at the site and is only re-used at his own sites and explained that the waste is sampled and analysed before leaving site and appropriate records are retained on site, in accordance with permit condition 2.3.3.

Officer Laoni Tye advised the site manager that as the aggregate leaves as waste, as the material, whilst it is sampled and analysed, is not graded in accordance with WRAP for the purpose of creating a product to be sold and as such remains waste and as such, U1 exemptions would be required to be registered for each location, where waste is being used in construction.

Since the visit, the sites TCM James Mackay has confirmed the waste is treated in accordance with the WRAP Quality Protocol and provided the WRAP quality protocol to us via email on 23rd June 2022.

ADVICE & GUIDANCE: Please ensure that all staff responsible for the site management are fully trained and aware of the sites procedures.

INFRASTRUCTURE

2.4 Operating Techniques

Natural Resources Wales considers that the following condition of the environmental permit is being contravened:

Permit condition 2.4.1 states "The activities shall be operated using the techniques and, in the manner, described in Table 2.4 below. Table 2.4 states: "When located within groundwater Source Protection Zones 1 or 2 the specified wastes below shall be stored and treated on an impermeable surface with a sealed drainage system. When located outside groundwater Source Protection Zones 1 or 2 all permitted wastes shall be stored and treated on hard-standing or on an impermeable surface with sealed drainage system."

This has therefore been scored as a (C3) non-compliance which could have a minor environmental effect under (B3) Site drainage engineering (clean and foul).

BECAUSE

Officers observed unsuitable infrastructure for the site's current drainage provision, as the current provisions would be unable to prevent run-off occurring and do not conform to the above requirements.

During discussion on site, with the Site Manager, officers were unable to establish what the current drainage provision is, concerning the area within the building structure. As there is an impermeable surface, it would require a sealed drainage system. Additionally, the rest of the site which benefits from a hardstanding surface

requires improvements. I note, this area also has loosely laid slabs that were laid to improve operations in bad weather. Officers also noted that the hardstanding area appeared to slope to one side, in the direction of the banking. The site manager explained that the hardstanding surface and level has been improved to date. However, officers did advise that further work would be required to level this area to prevent run-off, as this would constitute an illegal discharge. And it was advised that the slabs would actually assist run-off, as opposed to preventing run-off, as the site does not benefit from bunding.

ACTION REQUIRED: Please provide information via email regarding the current drainage in place for the area within the building structure on site, as there is an impermeable surface in this area, this would require a sealed drainage system to avoid site run-off. We understand that this area will be used either for storage or treatment of waste and use will be determined by operational logistics and weather dependent. If there is no sealed drainage system in place, please include the improvements/adjustments that will be made to this area to ensure compliance with condition 2.4.1 of the permit, in the action plan request, as detailed below.

ACTION REQUIRED: The hardstanding area of the yard appears to be sloping towards the banking, therefore we will require information regarding the improvements you intend to make in this area, to ensure that no run-off escapes the boundary of the site, as this would constitute an illegal discharge. Please provide a date by which you can provide a plan, detailing the improvements to be undertaken to Natural Resources Wales, in accordance with condition 2.4.1, providing dates for projected completion. Any variation to this at that stage, we would ask that you keep us informed and notify us, accordingly, should this occur for this to be agreed.

DUE: Friday 22nd July 2022.

WASTE RETURNS

4.2 Reporting

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.

Following a review of our records, we informed the site manager whilst on site, that we only have a record for one waste return; 'Q1 Jan-Mar 2021'. This appears to be a 'null' waste return, however, please ensure this is appropriately indicated on the 'Site_Information' tab of the waste return, as shown in the field below under '3 Declaration', as this has not been selected.

3 Declaration Please ensure you fill in the declaration below

I certify that the information in this return is correct to the best of my knowledge and belief.

Name

Position

Phone number

Date

Optional fields are highlighted:

Upon querying the waste returns for the site, Officers were advised by the site manager, that the site has only become operational in recent weeks, as noted above, as the site contained waste which had to be cleared, prior to the site becoming operational. However, as explained on site, Natural Resources Wales require waste returns to be submitted for the period since the permit was obtained. I note, the permit was issued 01/12/2020.

Following this, the operator was subsequently asked to submit all outstanding waste returns for the following periods: Q4 Oct-Dec 2020, Q1 Jan-Mar 2021 (an amended version to show 'null' return status), Q2 Apr-Jun

2021, Q3 Jul-Sept 2021, Q4 Oct-Dec 2021, Q1 Jan-Mar 2022 and advised that failure to do so would result in a breach of permit condition 4.2.2.

Through assistance offered by the Operators WAMITAB certificate holder and following an internal review of our records, it was established that the wrong permit number had been entered onto the waste returns that had been submitted to Natural Resources Wales and as a result, waste returns appeared to be outstanding for the site. This error had occurred because the sites environmental permit stated the incorrect permit number of 'EPR/AB1234CD'. This was explained to the Operator, the Permitting Department have been notified accordingly and the submissions to date were subsequently amended and I now confirm the waste return records held for the site by Natural Resources Wales as of 25th October 2022 are currently up to date for permit reference EPR/BB3991HN.

Please refer to the actions section of this Compliance Assessment Report for a summary of the actions outlined above, which Natural Resources Wales require the Operator to complete. Please email the sites regulation officer, providing the information required, by the dates specified. As explained, the documents and information provided will be reviewed and any feedback if required, will be issued. We wish to thank the site manager for their time during the visit.

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.

What are suspended scores?

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 Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

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.