

Compliance Assessment Report CAR_NRW0041083

Permit being assessed: BB3794ZH.

For: Ty Mawr West Recycling, held by Ty Mawr West Recycling Limited

At: Ty Mawr West Quarry, Talysarn, LL54 6BA.

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

On 26/01/2023 between 10:28 and 11:22.

Parts of permit assessed: As below.

NRW Lead Officer: Leon Williams, accompanied by Donna Muirhead.

Report sent to: Ellis Wyn Jones, Director on 15/02/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Action only (X)	
C1 - General Management - Staff competency/training	Assessed (A)	
C2 - General Management - Management system and operating procedures	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2

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

Total number of non-compliances recorded	Total non-compliance score
1	0.1

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
B4	Take action to insure that all imported waste is stored within the sites permitted boundary.	31/03/2023
C2	Consider updating the site environmental management system to include a procedure which outlines how waste acceptance will be managed within the sites permitted boundary.	31/03/2023
G4	Submit missing waste returns for Q2, Q3, and Q4 of 2022.	31/03/2023

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

A site inspection was conducted at Ty Mawr West on the 26 January 2023 by NRW Senior Waste Regulation Officer Leon Williams and Waste Regulation Officer Donna Muirhead.

Company Director, Ellis Wyn Jones accompanied the Officers during the inspection.

Concerns were raised to Ellis Wyn Jones regarding the amount of waste currently being accepted at Ty Mawr West. No details were given to suggest that any significant amounts of waste are currently being recovered off site.

Given the large volumes of waste the site is currently accepting, NRW would encourage the company to explore options for the onward recovery of waste and aggregates from Ty Mawr West. Please be aware that the maximum quantity of waste that can be accepted at Ty Mawr West cannot exceed 74,999 tonnes per year.

NRW would recommend reviewing the sites Environmental Management System (EMS) with a view to developing a procedure which ensures that all waste accepted at Ty Mawr West is managed safely and securely within the permitted site boundary.

Please review the sites permitted boundary which is shown in Schedule 7 of the site permit. All waste activities must be contained within this marked area.

NRW are yet to receive waste returns from the company to cover quarter 2, quarter 3 and quarter 4 of 2022. These are now overdue and a CCS Category 4 score has been issued for failing to submit these returns on time against permit condition 4.2.2.

Please ensure that these outstanding returns are sent to NRW by the 31 March 2023.

NRW do not hold a copy of Ellis Wyn Jones' technical competency certificate. Please ensure a copy of the certificate is sent to us by the 31 March 2023.

The unpermitted deposit of 1650 tonnes of soil and stones to infill a quarry hole outside the permitted boundary of the site will be dealt with as a separate matter to this CAR report.

NRW would recommend the company review the requirements of the WRAP Quality

Protocol which sets out end of waste criteria for the production and use of aggregates from inert waste. Clays and soils are not considered to be aggregates under the WRAP Quality Protocol and their processing at Ty Mawr West does not result in end of waste criteria being met.

The onward movement soils from Ty Mawr West must be to a site which benefits from an environmental permit or relevant waste exemption.

If you require clarification on any of the points raised in this report, please do not hesitate to contact NRW.

The following non-compliance has been identified:

G4 - Reporting and notification to Natural Resources Wales - Permit condition 4.2.2 - C4

Late submission of Q2, Q3 and Q4 2022 waste returns.

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 2012.

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.