

Compliance Assessment Report CAR_NRW0042281

Permit being assessed: FP3590LV.

For: Rhuddlan Bach Quarry Landfill Site, held by Hurt Plant Hire Ltd

At: Rhuddlan Bach Quarry Landfill Site, Brynteg, Anglesey, LL78 7JJ.

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

On 02/08/2023 between 12:45 and 14:15.

Parts of permit assessed: Air, Land & Groundwater, Surface Water, Monitoring of emissions and the environment, Storage Handling Labelling & Segregation, Reporting and notification to Natural Resources Wales, Management System & Operating Procedures.

NRW Lead Officer: Sarah Walton.

Report sent to: John Flood, Director on 21/08/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E2 - Emissions - Land and groundwater	C3 Minor	Permit Condition 3.1.1 'There shall be no point source emissions to water, air or land except from the sources and emission points listed in schedule 3 table S3.1'.
E3 - Emissions - Surface water	Assessed (A)	
E1 - Emissions - Air	C3 Minor	Permit Condition 3.1.3 'The limits for landfill gas arising from the facility set out in schedule 3, table S3.3 shall not be exceeded'
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor	Permit Condition 3.5.1: 'The operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring and any other actions for the parameters specified in the following tables in schedule 3 to this permit
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	Permit Condition 2.1.1. "The operator is only

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities").
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	
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	Condition 4.3.4: 'Natural Resources Wales shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by the Stock Exchange rules: Where (a) any change in the operator's trading name, registered name or registered office address.

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

Total number of non-compliances recorded	Total non-compliance score
5	16.1

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
E2	Review possible causes for sulphur and TPH exceedances and action accordingly.	25/08/2023
E1	Review possible causes for CO2 exceedances at BH2 and BH4. Apply for a permit variation if required.	08/09/2023
G1	Remove vegetation and maintain accessibility to all monitoring points required by the site permit.	25/08/2023
C4	Reduce the volume of untreated inert waste being stored on site to less than 400 tonnes. Provide Waste Transfer Notes to NRW to evidence the removal.	20/10/2023
G4	Review waste return documentation to ensure that all waste removed is being recorded accurately. If waste is being treated to a relevant Quality Protocol, please submit a copy of the site's procedures as well as evidence to show that material has met end of waste.	08/09/2023
C2	Submit to NRW for review, the latest version of the site's EMS.	08/09/2023

Criteria	Action needed	Complete by
G4	Apply for an administrative change to site permit (Change of operator's registered name and address).	08/09/2023

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.

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

A routine site inspection took place on Wednesday 2nd August 2023. In attendance from Natural Resources Wales was Sarah Walton (Waste Regulation Officer) and Ricky Hartleb (Tackling Waste Crime Officer).

Sarah Walton is the new Regulatory Officer for Rhuddlan Bach Quarry Landfill site. Therefore, this inspection was to act mainly for the purpose of site familiarisation.

Officers arrived on site at approximately 12:45.

At around 13:20, Adam Crompton (Quarry & Transport), escorted officers to the area of the quarry which was currently being filled.

No deposition of waste was observed whilst officers were on site.

Adam appeared to have limited knowledge of the site permit, which made it difficult for officers to get a full picture of waste operations.

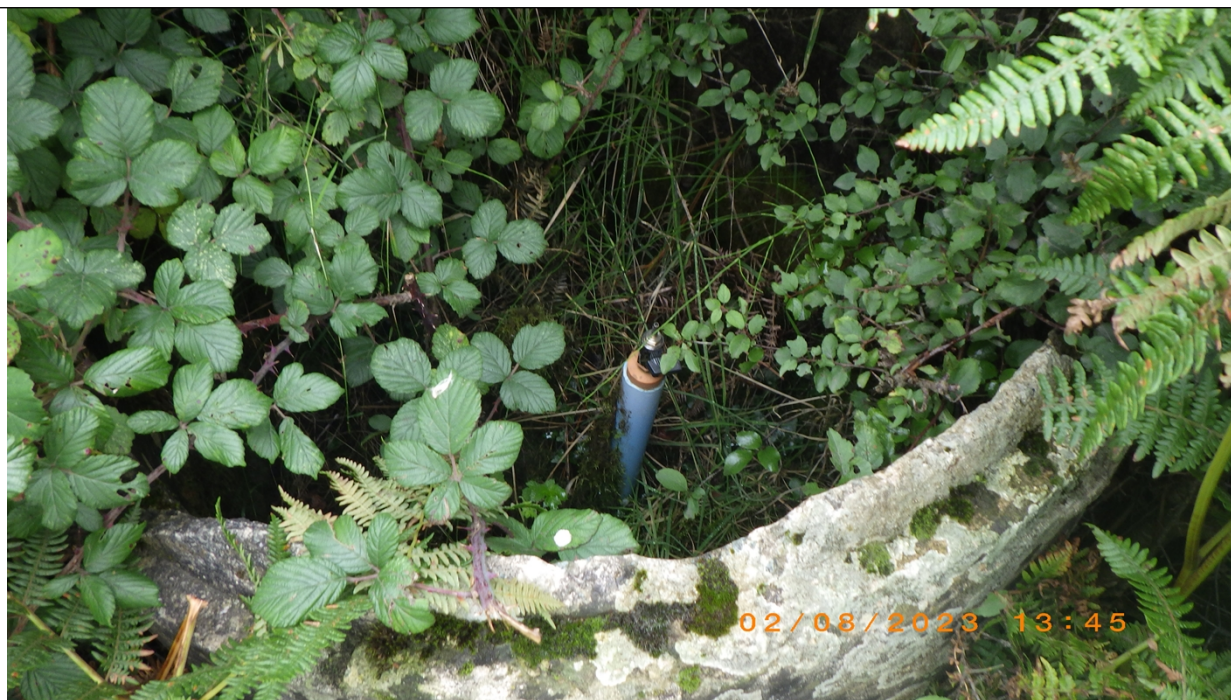
Please ensure that when the site is operational, there are staff present who have good knowledge of the site's permit requirements and Environmental Management System (as per section 3.5 of site EMS).

There looked to be some contamination within the waste deposit (see photos below).



Photos showing deposited waste containing plastics and metals, within the current working cell.

Officers requested to view some of the monitoring points, as required by the site permit. One monitoring point was viewed. This was difficult to reach due to overgrown vegetation. See photo below.



Photograph showing monitoring point (Possibly BH4).

The above monitoring point did not have a cover over the top to help protect it from any damage.

ACTION: Enact EMS procedures to ensure this monitoring point is appropriately covered.

Permit Condition 3.1.1 'There shall be no point source emissions to water, air or land except from the sources and emission points listed in schedule 3 table S3.1'.

Monitoring data reports have been reviewed for Quarter 1 and Quarter 2 of 2023.

(For context, TPH limits of 0.01mg/l and Sulphur limits of 250mg/l)

Compliance limits were exceeded for the following:

BH4: TPH of 0.03mg/l on 15/06/2023.

BH5: TPH of 0.02mg/l on 30/03/2023, Sulphate 403mg/l on 30/05/2023 and Sulphate 461mg/l on 15/06/2023.

BH6B: TPH of 0.02mg/l 30/03/2023, TPH of 0.02mg/l on 15/06/2023.

The above breaches have been consolidated into one **Category 3 score**.

ACTION: Review possible causes for Sulphate and TPH exceedances and action accordingly.

Permit Condition 3.1.2 'The limits for surface water quality specified in schedule 3, table S3.5 shall not be exceeded'.

Monitoring data reports have been reviewed for Quarter 1 and 2 of 2023.

There were no reported breaches for surface water quality.

Permit Condition 3.1.3 'The limits for landfill gas arising from the facility set out in schedule 3, table S3.3 shall not be exceeded'.

There were no permit exceedances for methane. However, it must be noted that GH1 and GH2 have not been sampled and so it is unknown what methane levels are like within the 'In waste boreholes'.

The monitoring data shows a number of permit breaches for Carbon Dioxide (EP limit 1.5%v/v):

BH2: 2.9% on 26/01/2023, 2.4% on 27/02/2023, 1.9 on 30/03/2023, 2.5% on 19/04/2023, 3.5% on 30/05/2023, 1.8% on 15/06/2023.

BH4: 3.4% on 30/05/2023, 2.4 % on 15/06/2023.

The report states that these exceedances represent background concentrations. The site intends to review or apply to remove these limits in a permit variation application,

These exceedances of permit limits for CO2 have been consolidated and scored as one Category 3 breach.

ACTION: Review possible causes for CO2 exceedances at BH2/BH4. Apply for a permit variation if required.

Permit Condition 3.5.1: *'The operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring and any other actions for the parameters specified in the following tables in schedule 3 to this permit:*

(a) Point source emissions specified in table S3.1

(b) Groundwater specified in table S3.2 and S3.6

(c) Landfill gas specified in table S3.3 and S3.4

(d) Surface water specified in table S3.5

Monitoring data for Quarter 1 and Quarter 2 of 2023 have been reviewed (Document References 5734-CAU-XX-XX-RP-V-0300.A0.C1 and 5734-CAU-XX-XX-RP-V-0301.A0.C1).

It is noted in these reports that sample points GH1 and GH2 (in waste boreholes), could not be accessed due to overgrown vegetation. It also notes that the plastic surround of GH2 is also causing obstruction. Similarly, BHB3 is also noted as being inaccessible.

These monitoring points are required to be sampled by permit condition 3.5.1. The reasoning given in these reports is not satisfactory and is within the control of the operator to rectify.

It is concerning that these points have not been sampled for some time.

When on site, officers asked to view some of the monitoring points. It was clear that accessibility was difficult due to the area being overgrown. Staff on site were also unsure of the location of these monitoring points.

As such, the permit has been scored a Category 3 for this permit breach.

ACTION: Remove vegetation and maintain accessibility to GH1 and GH2 to ensure monitoring can be performed as per permit requirements.

Perform adjustments to monitoring point GH2, to ensure that the plastic surround does not obstruct samples being taken from this monitoring point.

Permit Condition 2.1.1. *'The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities").*

As officers returned to the site office, the waste treatment area was viewed. This contained a substantial amount of untreated inert wastes.



Photographs taken from elevated position, showing storage of untreated inert wastes.

Officers expressed concern about the volume of waste currently being stored on site. Adam Crompton noted he estimated there to be around 15,000 tonnes on site which has been stored for over 2 years.

Table S1.1 of the site permit, titled "Activities", notes that no more than 400 tonnes of untreated inert waste shall be stored at any one time.

It is visually evident given the waste types (concrete, brick, stone etc) and size of stock pile, that the site is in breach of this permit condition.

Waste should not be stored for a significant period of time, or else this will be deemed a disposal activity.

The permit has been scored a Category 3 for this permit breach.

ACTION: Reduce the volume of untreated inert waste being stored on site to less than 400 tonnes. Provide NRW with Waste Transfer Notes to evidence its removal.

Permit Condition 4.2.4 ***"Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter".***

A review of Waste Return data has been completed (Q3&4 2022 and Q1&2 2023).

On the 'waste removed' tab, there is no waste being recorded here.

Conversations on site noted that waste is removed from site to Veolia. Furthermore, the site is processing inert waste on site. There is very likely to be contamination or non conforming material that requires disposal or removal from site. This is therefore expected to be shown on the Waste Removed tab.

As waste is being treated and described as '6F2', it is unclear how this described material conforms with a recognised Quality Protocol. At present, due to the lack of evidence available, NRW suspects that the treated material remains a controlled waste and is subject to waste controls.

ACTION: If the site is complying with a Quality Protocol or the material is meeting 'end of waste', then please submit evidence of this to Natural Resources Wales. Please include the site's methodology (including Factory Production Control) as well as evidence of testing to prove material is meeting relevant criteria.

Permit Condition 1.1.1: ***"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 operator as a result of complaints..."***

The Environmental Management System held on file by NRW, is dated August 2017. As 6 years have passed, this document is likely in need of review.

Section 6.3 of the EMS states *"The Environmental Management System will be reviewed on an annual basis"*. It goes on to state in section 6.4.1 that *"At the end of each year, the accumulated updates and schedule of revisions will be incorporated from the working file into the EMS and copies of the same revisions sent to the other holders of the EMS (EA, consultants etc)"*.

ACTION: Submit to NRW for review, the latest version of the site's EMS.

Permit Condition 4.3.4: ***"Natural Resources Wales shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by the Stock Exchange rules: Where (a) any change in the operator's trading name, registered name or registered office address."***

It has been noted on Companies House, that the registered name of the operator changed from 'Clive Hurt (Plant Hire) Limited' to 'Hurt Plant Hire Limited' on 10/06/2022.

The operator's registered office address also changed on 05/05/2022.

Natural Resources Wales has not been notified of these changes, which is therefore a breach of permit condition 4.3.4. **The permit has been assigned a Category 4 score for this breach.**

ACTION: Apply to NRW, for an administrative change to the site permit.

Officers returned to the site office and requested to view some Waste Transfer Notes. A small selection of WTN's were viewed, however, officers were informed that the majority of Waste Transfer Notes were not kept on site, but stored remotely. An email address was provided to request these documents. A request will be made separately via email for this information.

The inspection concluded at around 14:15pm. Thank you for all staff who assisted and cooperated with the site inspection.

Should you wish to discuss or query anything in this CAR form, please get in touch using the details below.

Kind Regards,

Sarah Walton

Swyddog Rheoleiddio Gwastraff / Waste Regulation Officer

Gogledd-Orllewin / North West

Ffôn/ Phone: 03000 655 023

E-bost/Email: Sarah.I.walton@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 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.