

Compliance Assessment Report CAR_NRW0042683

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 22/09/2023 between 11:40 and 13:00.

Parts of permit assessed: As below.

NRW Lead Officer: Leon Williams.

Report sent to: Ellis Wyn Jones , Company Director on 30/10/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.2.1
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
C3 - General Management - Materials acceptance	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.1.1
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
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
4	12.1

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
A1	All waste must be stored within the area shown edged in green on the site plan as per schedule 7 of the permit.	29/12/2023
C2	Update Environmental Management System (EMS). Further details below.	29/12/2023
C4	All waste stored on site must be stored and treated on hardstanding.	29/12/2023
G4	Submit waste returns for Q1 and Q2 2023.	03/11/2023

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

Routine site inspection conducted by NRW Senior Waste Regulation Officer Leon Williams and NRW Enforcement Officer John Holmes.

The weather was dry and overcast during the inspection.

Officers were accompanied by company Director, Ellis Jones throughout the inspection.

Waste storage

A significant quantity of mixed waste soil, stone, road planings and other inert waste/soils were stored outside the area edged in green on the site plan as per schedule 7 of the site permit.



All waste operations must be contained within this defined permit area.

A CCS Category 3 score has been recorded for this non-compliance against permit condition 2.2.1.

ACTION: Please ensure that all wastes are moved to within the area edged in green on the site plan as per schedule 7 of the site permit.

Controlled wastes are also being deposited and stored in an area which does not fully benefit from a hardstanding and it is apparent that waste is being profiled into a permanent deposit rather than stockpiles awaiting further treatment.

Table S1.1 of the site permit requires that all waste must be stored and treated on a hardstanding area.

A CCS Category 3 score has been recorded for this non-compliance against permit condition 2.1.1.

There is currently no environmental permit to allow controlled wastes to be permanently deposited at Ty Mawr West.



ACTION: Please ensure that all waste are stored on a hardstanding and are segregated from areas used for exploring and processing slate materials. Imported wastes were observed mixing with areas being prospected.



ACTION: Please ensure that all imported wastes remain segregated and do not permanently merge with the topography of the quarry.

Environmental Management System (EMS)

Upon review of the current site Environmental Management System (EMS), there are insufficient written procedures regarding waste storage specifically outlining:

- Storage times and procedures to ensure that these times are not exceeded.
- Maximum storage capacities for specified storage areas and the facility as a whole and procedures to ensure that these capacities are not exceeded.
- Maximum storage heights to prevent or minimise the emission of dust, litter and throughput management.

We require the company reviews the guidance document: How to comply with your environmental permit and update the Environmental Management Plan accordingly.

A recommendation to review the site EMS was recorded in the CAR form sent to the company following an inspection conducted at Ty Mawr West on the 26 January 2023.

The existing site Environmental Management Plan is insufficient and a CCS Category 3 score has been recorded against permit condition 1.1.1 for this non compliance.

ACTION: Review and amend current Environmental Management System and submit to NRW for inspection.

Waste Returns

A review of the site's waste returns has been undertaken and it has been identified that waste returns for quarter 1 and 2 of 2023 have not been submitted.

With reference to permit condition 4.2.2 of environmental permit BB3784ZH which states:

“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”.

A CCS Category 4 score has been recorded for this non-compliance against permit condition 4.2.2.

ACTION: Waste returns for quarter 1 and 2 of 2023 must be submitted to NRW.

Waste returns submitted in 2022 stated that the following quantities of waste classified as EWC 17 05 04 were removed from Ty Mawr West:

Q2 - 1 April to 30 June 2022

Totalling 15000 tonnes

Q3 – 1 July to 30 September 2022

Totalling 19591 tonnes

Q4 - 1 October to 31 December 2022

Totalling 11200 tonnes

These quantities were queried by NRW and correspondence sent by Ellis Jones in May 2023 confirmed that the 45,791 tonnes of waste referenced above had not been removed from site.

45,791 tonnes of waste has therefore been incorrectly recorded as having been removed from site on the quarter 2, 3 and 4 2022 waste returns.

ACTION: Re-submit the 2022 waste returns for quarter 2, 3 and 4 correcting the quantities which have been removed from site.

WRAP Quality Protocol

Ellis Jones stated during the inspection that the waste stored outside the permit area had been treated in accordance with the WRAP Quality Protocol (QP).

NRW were provided with two Celtest laboratory reports ref: 936884 and 936886.

These documents alone are insufficient to demonstrate compliance with the WRAP QP.

Ellis Jones further stated that the waste stored outside the permit area requires further treatment prior to being suitable for re-sale and export from site.

Section 2.5.1 of the WRAP QP states that *"aggregate must require no further processing, including size reduction, for the use for which it is destined at the time it is produced to comply with this Quality Protocol"*.

Aggregates which have been produced in accordance with the WRAP QP would not require further treatment and would be readied for direct transfer to one of the defined

market sectors as outlined by the QP.

Please also be aware of Section of the QP 4.2.2 which states that, *"If it appears that the material is being stored indefinitely with no certainty of use, the material will revert to being a waste and waste management controls will apply as specified in Section 1.4"*.

ACTION: NRW would recommend the company review the WRAP QP and alter operations to ensure compliance with the protocol.

Onward transfer of waste and aggregate from Ty Mawr West

NRW are currently unaware that any waste or aggregate materials produced from waste have been removed from Ty Mawr West since the site permit was granted in 2020. This is of particular concern with the site continuing to accept significant amounts of waste without reducing the volume of existing waste stockpiles.

It is evident that the site is running out of space to store waste and it would be beneficial for volumes to be reduced.

ACTION: NRW would recommend the company explore off site recovery options at suitably permitted waste facilities to reduce the current waste volumes stored on site immediately.

Diolch yn fawr,

Leon Williams

Senior Waste Regulation Officer

Email: leon.williams@cyfoethnaturiolcymru.gov.uk

Natural Resources Wales, Maes y Ffynnon, Penrhosgarnedd, Bangor, Gwynedd, LL57 2DW

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.