

Compliance Assessment Report CAR_NRW0043418

Permit being assessed: BP3330LS.

For: Ty Mawr Farm Landfill, held by Griffiths Griffith Wyn, Edward Lloyd And Gwenfrai Rees
At: Betws Yn Rhos, Abergele, Conwy, LL22 8AA.

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

On 08/02/2024 between 13:00 and 14:30.

Parts of permit assessed: As below

NRW Lead Officer: Sarah Walton, accompanied by Leon Williams.

Report sent to: Griffith Wyn Griffiths, Permit Holder on 23/02/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	Action only (X)	
C1 - General Management - Staff competency/training	Assessed (A)	
A1 - Specified by permit	Action only (X)	
C3 - General Management - Materials acceptance	C3 Minor	2.8.1 Wastes shall only be accepted for disposal if: (a) they are listed in schedule 3, and (b) they are inert waste
B1 - Infrastructure - Engineering for prevention and control of emissions	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.1 A report or reports on the performance of the activities over the previous year shall be submitted to the Agency by 31 January (or other date agreed in writing by the Agency) each year.
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	"Within 28 days of the end of the reporting period the operator shall, unless otherwise agreed in writing by the Agency, submit reports of the monitoring and assessment carried out in accordance with the

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		conditions of this permit, as follows: (a) in respect of the parameters and emission points specified in schedule 5 table S5.1; (b) for the reporting periods specified in schedule 5 table S5.1 and using the forms specified in schedule 5 table S5.3; and (c) giving the information from such results and assessments as may be required by the forms specified in those tables"

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

Total number of non-compliances recorded	Total non-compliance score
3	4.2

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
C2	Review and update the site's Environmental Management System (EMS). Send a copy of this revised document to Natural Resources Wales.	15/03/2024
A1	Please provide the most recent topographical survey completed of the site. This should be referenced to Ordnance Datum.	01/03/2024
C3	Only wastes listed in Schedule 3 of site permit can be accepted to site. Please submit Waste Transfer Notes for all waste received and removed from site in Quarter 4 of 2023 (October - December).	15/03/2024
B1	Please confirm which area of the landfill is currently being constructed and how this meets the approved construction proposals. Please also confirm which areas of the landfill (if any) have been completed.	08/03/2024
G4	Submit a report which details performance of the site activities over the previous year. This should include all parameters detailed in sections a-i of permit condition 4.2.1.	15/03/2024
G4	Ensure that monitoring data for GW2A and GW3 are included in monitoring reports. Ensure that monitoring data is reported	23/02/2024

Criteria	Action needed	Complete by
	in line with Table S5.1 of the permit.	

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 routine site inspection took place on Thursday 8th February 2024. Sarah Walton (Waste Regulation Officer) attended site with Leon Williams (Senior Waste Regulation Officer).

Officers reported to the site office where they met with Gwenfai Rees Griffiths. Here it was explained that Sarah would be the new Regulating Officer for the site. In order to get an overview of site operations, a number of documents were requested.

C2 Management System and Operating Procedures

Permit Condition 1.1.1

a) "The Activities shall be managed and operated: (a) in accordance with a management system, which identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents and non-conformances and those drawn to the attention of the operator as a result of complaints"

Firstly, the site Environmental Management System (EMS) was requested in the site office. Gwenfai Griffiths was initially unsure of where the document was kept and its contents.

ACTION: Please review and update site EMS and send a copy of this to Natural Resources Wales.

C1 Staff Competency / Training

(b) "by sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the Activities".

It was queried who is the current Technically Competent Manager for the site. Gwenfai confirmed this was Edward Griffiths. A certificate was provided evidencing Edward Griffiths

Continuing Competency for Landfill - Inert Waste which expires on the 18/10/2025.

A1 Specified by permit

Permit Condition 3.6.3 "A topographical survey of the site referenced to Ordnance Datum shall be carried out: (a) annually".

At the time of the inspection, Gwenfai produced a recent topographical survey that had been completed for the site. Gwenfai tried to email this to Sarah but this email was not received.

ACTION: Please can you re-send the topographical survey for 2023, via email to Sarah Walton.

C3 Materials Acceptance

Permit Condition 2.8.1 "2.8.1 Wastes shall only be accepted for disposal if: (a) they are listed in schedule 3, and (b) they are inert waste".

Officers requested to look at Waste Transfer documentation. Gwenfai provided the most recent waste transfer notes for the site. The waste transfer notes seen, were all for wastes described as 'soil and stone' with waste code 17-05-04.

Concerns were raised with Gwenfai that waste from another permitted site, may have been sent to Ty Mawr Farm Landfill, wrongly described and coded. NRW believes trommel fines may have come into site as a soil/stone, when in fact this material is fines. Fines can look very similar to a soil in colour. If you have any doubts about the origin and nature of any wastes, ensure that you request to see testing of the constituents and properties of the waste.

An inspection of the landfill then took place.









Photographs taken on site, of deposited waste

The above photographs show, waste deposited on site. There was evidence of non inert material within these deposits, including leaf litter and grass/plant material. Officers also witnessed a decomposing matter odour coming from the waste across parts of the site.

In addition to this, there was evidence of waste contamination, including plastics, a drill, pipes and metals.

The wastes observed on site, did not correlate with the waste transfer documentation inspected on site. Deposits of brick, concrete and leaf litter debris were not observed on the waste transfer notes.

Due to the acceptance non-permitted waste and contamination on site, the permit has been scored a CCS C3 for this non-compliance.

Contamination of waste should be minimal, but it is recommended that any obvious pieces of contamination, should be litter picked and kept in an appropriate container, before being removed from site to a suitably permitted facility.

ACTIONS:

- Only waste types listed in Schedule 3 of the permit can be accepted at site.
- Please provide Waste Transfer Notes for all waste received and removed from site for the entirety of Quarter 4 of 2023 (October - December).

These can be provided via email or via post to:
FAO Sarah Walton, Natural Resources Wales, Maes Y Ffynnon, Penrhos Rd,
Penrhosgarnedd, Bangor LL57 2DW.

(B1) Engineering for prevention and control of emissions

Permit Condition 2.7.5 *"The construction of the Landfill Infrastructure shall take place only in accordance with the approved construction proposals unless: (a) any change to the approved construction proposals would have no impact on the performance of any element of the design; or (b) a change has otherwise been agreed in writing by the Agency".*

It was unclear at the time of inspection, which part of the landfill was currently being filled. It looked as though the entire permitted area was currently in use.

ACTION: Please confirm which area of the landfill is currently being constructed and how this meets the approved construction proposals. Please also confirm which areas of the landfill (if any) have been completed.

G4 Reporting and Notification to Natural Resources Wales

Permit Condition 4.2.1 *"A report or reports on the performance of the activities over the previous year shall be submitted to the Agency by 31 January (or other date agreed in writing by the Agency) each year. The report(s) shall include as a minimum:*

- (a) a review of the results of the monitoring and assessment carried out in accordance with this permit against the relevant assumptions, parameters and results in the risk assessments submitted in relation to this installation and any agreed amendments thereto;*
- (b) where the operator's management system encompasses annual improvement targets, a summary report of the previous year's progress against such targets;*
- (c) the annual production/treatment set out in schedule 5 table S5.2.*
- (d) details of any contamination or decontamination of the site which has occurred;*
- (e) the topographical surveys required by condition 3.6.3 other than those submitted as part of a CQA validation report;*
- (f) the volumetric difference (reported in cubic metres) between the most recent topographical survey and the previous annual topographical survey i.e. the additional volume of the landfill void that is occupied by waste;*
- (g) an assessment of the settlement behaviour of the landfill body based on the difference between the most recent topographical survey and previous annual topographical survey for the areas of the landfill which did not receive waste between the surveys;*
- (h) a calculation of the remaining capacity (reported in cubic metres) derived from the pre-settlement contours and the most recent topographical survey;*
- (i) the compliance testing undertaken in the period;"*

A review of the permit file, has found that no annual report has been received for 2023. As such a CCS C4 score has been assigned for this non-compliance.

ACTION: Please submit the annual report for 2023 which includes all information stipulated in sections a) to (i) of permit condition 4.2.1.

Permit Condition 4.2.2 "Within 28 days of the end of the reporting period the operator shall, unless otherwise agreed in writing by the Agency, submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows: (a) in respect of the parameters and emission points specified in schedule 5 table S5.1; (b) for the reporting periods specified in schedule 5 table S5.1 and using the forms specified in schedule 5 table S5.3; and (c) giving the information from such results and assessments as may be required by the forms specified in those tables"

In July 2023, NRW received through the post, paper copies of monitoring data in relation to Ty Mawr Farm Landfill. Included in this document bundle was a certificate of analysis for samples taken from GW1, GW2, SW1 and SW2.

It appears that there were no results for GW2A or GW3.

Monitoring should be carried out at these locations in accordance with schedule 5, table 5.1.

Gwenfai mentioned there had been an agreement in place to reduce the frequency of reporting parameters, but no evidence could be found of this on our systems.

The permit has been scored a CCS 4 for this permit breach.

ACTION: Ensure that GW2A and GW3 are monitored as per table 5.1 and reported on to Natural Resources Wales.

Officers reported back to reception to give some feedback, before leaving site at approximately 14:30.

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.