

Compliance Assessment Report CAR_NRW0043792

Permit being assessed: VP3494FK.
For: Melin Plas Du, held by M O Jones
At: Yffor, Pwllheli, Gwynedd, LL53 6RF.

Type of assessment carried out: Site Inspection, Reason: Routine.
On 14/03/2024 between 14:00 and 15:30.
Parts of permit assessed: See below

NRW Lead Officer: Sarah Walton.
Report sent to: Peryf ab Owain, Operations Manager on 28/03/2024.

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

| Part of permitted activity assessed (criteria) | Assessment result | Permit condition |
|--|-------------------|---|
| C3 - General Management - Materials acceptance | C3 Minor | Permit Condition 2.3.2 "Waste shall only be accepted if: (a) it is of a type and quantity listed in schedule 2 table S2.1;" |
| A1 - Specified by permit | Action only (X) | |
| A1 - Specified by permit | C2 Significant | 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 |
| A1 - Specified by permit | C3 Minor | Permit Condition 2.2.1:"The activities shall not extend beyond the site, being the land shown edged in green on the site plan at |

| Part of permitted activity assessed (criteria) | Assessment result | Permit condition |
|--|-------------------|-----------------------------|
| | | schedule 7 to this permit". |

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

| Total number of non-compliances recorded | Total non-compliance score |
|--|----------------------------|
| 3 | 39 |

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 |
|----------|--|-------------|
| C3 | No fridges/freezers should be accepted onto site. Fridges/freezers observed on site, should be removed to an appropriately permitted facility. Please provide NRW with consignment notes to evidence the removal. A permit variation should be sought if you wish to accept this waste. | 12/04/2024 |
| A1 | Resolve flooding issues on site. All ground in the inert treatment area should be impermeable with appropriate drainage. Once flood water has subsided, please submit evidence to NRW to show all ground in this area is impermeable and that drainage is in full working order. | 05/04/2024 |
| A1 | The waste observed on site, described as 10ml down / 10-50ml down, should not be sold as a 'product'. This material remains a waste due to levels of contamination and the fact site is not adhering to WRAP Quality Protocol. This waste can only be removed from site as a waste and should be appropriately classified using WM3 guidance. The site Environmental Management System requires review and should include procedures for how the site complies with WRAP Quality Protocol. This should include details of the site's Factory Production Control and testing regime. Please forward a copy of the reviewed document to NRW, along with evidence of testing. | 07/06/2024 |
| A1 | Remove all waste being stored outside of the permit boundary. Waste should be stored within the permitted area only, as detailed in schedule 7 of the site permit. Please provide photographs to evidence the removal. Apply for a permit variation if you wish to extend the permit boundary. | 12/04/2024 |

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

A routine site inspection took place on 14/03/2024.

This was an introductory inspection by the site's new Regulating Officer, Sarah Walton. Accompanying Sarah was John Holmes (Enforcement Officer) and Chris Nunn (Enforcement Apprentice).

Officers arrived on site at 14:00 and initially met with Rhiryd ab Owain (site operative). The inspection began with a walk around site. The sheds housing recyclable wastes were observed.



Photograph showing plastic storage on site

The above photograph shows a skip overflowing with plastic waste. Please ensure that loose, lightweight plastics are kept contained, to prevent the wind from taking this waste off site.

Mixed residual waste is stored within one of the sheds, where this is shredded and sent to a site in Runcorn as RDF.

The furthest shed is used to store mixed recyclables from Gwynedd Council.

C3 Materials Acceptance

Permit Condition 2.3.2 "Waste shall only be accepted if: (a) it is of a type and

quantity listed in schedule 2 table S2.1;"

Within the shed housing mixed recyclables from Gwynedd Council, Officers observed a number of fridges/freezers being stored. See photo below.



Photograph showing storage of waste fridges/freezers

At the time of the inspection, Rhiryd informed officers that fridges were authorised by the site permit. However, a check of the site permit has found that the site is not authorised to accept fridges/freezers.

Schedule 2 of the site permit, does not contain any waste codes/descriptions that would allow the site to accept this kind of waste.

It has been noted that within the site EMS, on page 51 under Table 3, General Waste Management, that Fridges appear to be listed as an authorised waste type with the waste code 16-02-11. This should be removed from the EMS document.

The permit has been scored a CCS 3 for this permit breach. The reasoning is because this waste type is potentially hazardous. Fridges/freezers can contain components such as circuit boards, motors and any plastic parts may contain hazardous chemicals or POPs. Coolants and foam may also be hazardous. Fridges were also being stored on top of one another and on their side. This increases the risk of damage to the appliances which may result in the release of hazardous components.

ACTION: No fridges/freezers should be accepted onto site. Fridges/freezers observed on site, should be removed to an appropriately permitted facility. Please provide NRW with consignment notes to evidence the removal.

Should you wish to accept fridges/freezers, you would need to apply for a permit variation.

Inert waste treatment area

A1 Specified by permit

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 inert waste treatment area is at the rear of the site, adjacent to the picking line. As officers walked round to this area, there was a significant amount of standing water, with a waste deposit in the middle of it. Operator, Meurig Jones joined officers at this point.





Photographs showing standing water on site

Meurig explained the waste had been brought in and placed on a drain which was causing the flooding issue.

Due to the standing water, it was difficult to tell what ground was underneath. On page 87 of the site EMS, it states inert waste still be 'Stored and treated on impermeable surface with drainage to soakaway after passing through an interceptor and silt trap or hardstanding'.

ACTION: Resolve flooding issues on site. All ground in the inert treatment area should be impermeable and maintained as such with appropriate drainage. Once flood water has subsided, please submit evidence to NRW to show all ground in this area is impermeable and that drainage is in full working order.



1st photograph: material described as 10ml down. 2nd photograph: material described as 10-50ml down.

The above photos show the storage of two distinct waste stockpiles. Both waste piles were visibly heavily contaminated. See photographs below which show this contamination.





Close up photographs of '10-50ml down' material stored on site.

The above photographs demonstrate how heavily contaminated this material is with plastics, waste electrical equipment, vape liquid container and other small fractioned contaminants. Meurig explained that this material was a product which was being sold as '10-50ml down' and that it was treated in accordance with WRAP Quality Protocol.





Close up photographs of '10ml down' and stagnant water at bottom of the stockpile

The above photographs show further contamination within the '10 ml down' material. This was also heavily contaminated, although finer in fragments. At the bottom of the stockpile, was a foul smelling area of stagnant water which was littered with polystyrene pieces. The waste was spongy to the touch. Given that this is supposed to be inert waste, it was very concerning that there was such a bad odour coming from this area. The polystyrene and contaminants identified, again reinforce the fact this waste is not appropriate for use as inert waste/product.



P

Photograph showing the waste input for the 10ml / 10-50ml down.

It was explained by staff on site that residual skip waste goes through a picking line and screener to generate the 10ml / 10-50ml down. The input of this material is residual skip waste. This is not a valid waste input of WRAP's Quality Protocol. Waste streams should be inert and uncontaminated. Meurig explained the machinery was faulty and that the wet weather was causing difficulties with the treatment of the waste.

Officers have serious concerns about the inputs of this waste stream and that is it being treated as an inert product.

Observations on site provide evidence that the site is not operating in line with WRAP's Quality Protocol.

The input of residual skip waste to the inert waste treatment area should cease immediately. The only inert waste codes that can be treated to make a WRAP compliant product, are detailed in Appendix C of WRAP's 'Aggregates from inert waste' document.

Advice and guidance was provided by Leon Williams (Senior Waste Regulation Officer) in 2022, regarding Wrap Quality Protocol and contamination of inert waste.

The site Environmental Management System has been reviewed (dated 2017). There does not appear to be any procedures in this document for the treatment of inert waste. We would expect to see procedures for how the site complies with WRAP Quality Protocol.

The points raised above, show that there is a serious issue on site with the waste inputs to the inert treatment area. The current Environmental Management System is not sufficient to manage Environmental Risks posed by the site. Inappropriate waste inputs (which come from mixed skip waste), mean the waste in the inert area is heavily contaminated and potentially not inert. Skip waste is varied in nature and could be contaminated with fragments of plasterboard, micro plastics, asbestos or other hazardous materials. There is

significant risk to the environment should this waste leave as a product/non-waste, because there are not the controls in place to manage where this material is transferred to. The EMS should have thorough waste acceptance procedures, which identify appropriate waste codes and descriptions that can enter the inert area and be used for a WRAP QP product.

The root cause for the issues noted above, have been attributed to insufficient EMS procedures, which have been consolidated into one CCS2 score.

ACTION: The waste observed on site, described as 10ml down / 10-50ml down, should not be sold as a 'product'. This material remains a waste due to levels of contamination and the fact site is not adhering to WRAP Quality Protocol.

This waste can only be removed from site as a waste and should be appropriately classified using WM3 guidance.

ACTION: The site Environmental Management System requires review and should include procedures for how the site complies with WRAP Quality Protocol. This should include details of the site's Factory Production Control and testing regime. Once reviewed, please ensure a copy of the reviewed EMS is submitted to NRW.

We are concerned that contaminated inert waste has been leaving site having been mis-described as a product. This is also likely to be an offence in contravention of Section 34 of the Environmental Protection Act 1990 (Duty Of Care).

A1 Specified by permit

Permit Condition 2.2.1:"*The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 7 to this permit*".

Schedule 7 - Site plan



©Crown Copyright. All rights reserved. Environment Agency, 100026380, 2011.

END OF PERMIT

Site Plan of Environmental Permit VP3494FK

Towards the rear of the site (adjacent to the picking line). It appears the site has extended beyond the site permit boundary.
 Checks of satellite imagery has confirmed this. Please see image below.



Satellite Image taken from Google Earth

The site boundary should be in line with Schedule 7. As can be seen from satellite imagery, the permit activities have moved beyond that area.

Therefore, the permit has been scored a CCS3 for this permit breach.

This area of land has not been accounted for within a permit application and therefore the risks of operating here have not been assessed. This land is also not accounted for in the site's Environmental Management System. It appeared to officers that the ground was un-made here and so waste was not being stored on impermeable ground.

ACTION: All waste should be removed that is currently being stored outside of the permitted area (See schedule 7- site plan for confirmation of boundary). At the time of inspection, we believe this to be skips containing broken glass and some mixed waste storage piles. This also may include some of the picking line and waste piles beneath.

Should you wish to extend the permit boundary, then a permit variation would need to be applied for. See the following link: <https://naturalresources.wales/permits-and-permissions/waste-permitting/apply-to-change-to-or-vary-a-bespoke-waste-permit/?land=en>



Photograph showing waste storage on site, extending beyond permit boundary.

Officers returned to the site office to discuss issues within the inert waste treatment area. The inspection was completed at approximately 15:30.

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.