

Compliance Assessment Report CAR_NRW0044555

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: Site Inspection,

Reason: Routine.

On: 08/05/2024 between 10:50 and 13:00.

Parts of permit assessed: As below. .

NRW Lead Officer: Leon Williams, accompanied by Ricky Hartleb.

Report sent to: Ellis Wyn Jones , Company Director, on 20/06/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	C2 Significant	1.1.1
W2A - Waste - Operations - Permitted activities	C2 Significant	2.1.1, Table S.1.1
W2D - Waste - Operations - The site	Action only (X)	
W4A - Waste - Information - Records	C4 No impact	4.2.2

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

Total non-compliances recorded	Total non-compliance score
3	62.1

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
W1A	Update and submit a new Environmental Management System (EMS) to Natural Resources Wales with updated operating procedures for waste storage at Ty Mawr West Quarry.	30/09/2024
W2A	Compliance with Table 2.1. Cease all waste disposal	30/09/2024

Criteria	Action needed	Complete by
	activities at Ty Mawr West Quarry. Remove waste from all areas outside of permitted site boundary.	
W2D	All waste deposits outside of the permitted site boundary must be moved to within the permitted site boundary as defined by permit condition 2.2.1 and Schedule 7 of permit BB3794ZH.	30/09/2024
W4A	Submit quarter 1, 2, 3 and 4 2023 and quarter 1 2024 waste returns to NRW.	12/07/2024

Compliance 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

Routine unannounced site inspection conducted by NRW Senior Waste Regulation Officer Leon Williams, Tackling Waste Crime Officer Ricky Hartleb and Senior Minerals and Waste Planning Officer from Gwynedd Council, Rhys Cadwaladr.

The weather was dry and overcast during the inspection.

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

Waste Disposal

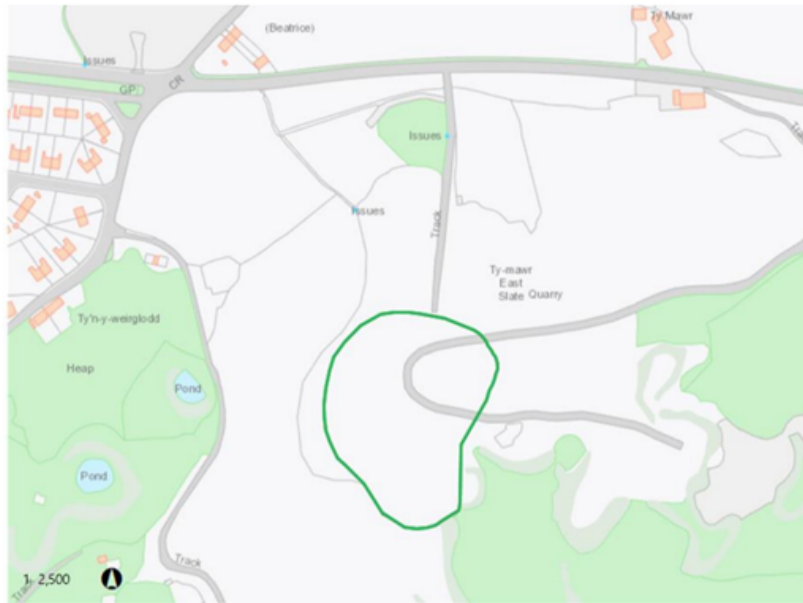
Concerns regarding waste storage practices at Ty Mawr West Quarry were raised with the company during the previous inspection to the site in September 2023.

These concerns relate to excessive waste stockpiles and wastes being stored and disposed outside the area edged in green on the site plan as per schedule 7 of the site permit (EPR/BB3794ZH).

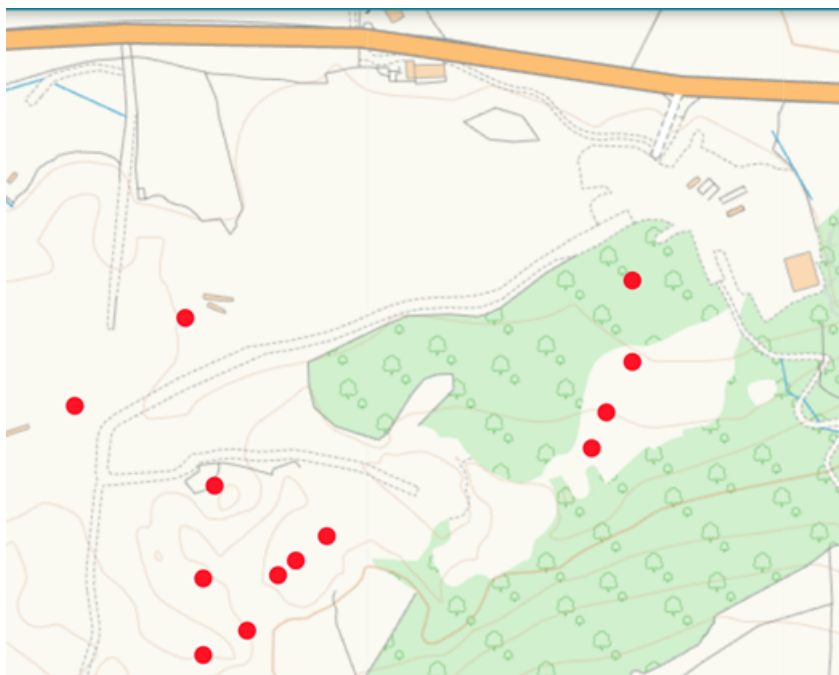
During the inspection on the 8 May 2024, it was observed that poor waste storage practices had continued at the site.

Permit condition 2.2.1 outlines that "***The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 7***".

Schedule 7 - Site plan



Spot grid reference readings were taken of controlled waste deposits on the 8 May 2024 and are shown in red on the map below.



These readings indicate that imported wastes have been deposited, levelled and are being disposed of in areas outside the sites permitted boundary.



NRW are concerned that the company may be disposing of controlled wastes at Ty Mawr West Quarry without a relevant environmental permit being place to authorise such an operation.

It is offence under Regulation 38(1)(a) of the Environmental Permitting Regulations 2016 to operate a regulated waste facility without the authorisation an environmental permit.

The waste deposits located outside the permitted site boundary are unregulated. NRW estimate some of these deposits are located within 83 metres of a tributary of the Afon Llyfni on land sloping towards the watercourse. Unregulated waste deposits can pose pollution risks to the environment. We are unaware of any relevant infrastructure currently in place to protect the tributary of the Afon Llyfni which is located adjacent to the unpermitted waste deposit at SH 49865 52468.



Environmental permit BB3794ZH does not permit landfilling or waste disposal activities at Ty Mawr West Quarry.

NRW hold further concerns that such activities are continuing following the issuing of a warning letter to the company for similar offences investigated in January 2023.

We are issuing a CCS Category 2 score for non compliance against permit condition 2.1.1 - "The operator is only authorised to carry out the activities specified in schedule 1, table S1.1 (the "activities"). Treatment operations shall be limited to manual and/or mechanical sorting and/or separating, screening, crushing, blending of permitted waste for the purpose of recovery only".

The deposit, burial and disposal of wastes outside the sites permitted boundary are not authorised recovery activities.

NRW are also considering the issue of an enforcement notice to require the company to address this non-compliance.

ACTION: Remove all controlled wastes from areas outside of the permitted site boundary as shown in Schedule 7 of the sites environmental permit EPR/BB3794ZH.

Waste Storage

The permitted area at Ty Mawr West Quarry is at full capacity and there is physically no room to store any further imported wastes at the site.

NRW have made recommendations to the company to cease further importation of wastes to Ty Mawr West Quarry until waste stockpiles are significantly reduced.



Further importation of wastes and storage outside of the permitted site boundary will likely result in further breaches of permit condition 2.2.1.

In the previous Compliance Assessment Report (CAR_NRW0042683), we raised that the site Environmental Management System (EMS) had insufficient written procedures regarding waste storage practices at Ty Mawr West Quarry. Specifically:

- No defined storage times and procedures.
- No defined maximum storage capacities for specified storage areas and the facility as a whole and procedures to ensure that these capacities are not exceeded.
- No defined maximum storage heights to prevent or minimise the emission of dust, litter and throughput management.

These points have not been addressed and an updated Environmental Management

System has not been presented to NRW by the deadline of 29 December 2023.

It is NRW's view that management procedures at Ty Mawr West Quarry are currently inadequate to manage excessive volumes of waste present on site, exacerbated since prior inspections as well as significant unpermitted waste disposal activities which pose a risk of harm to the environment.

In response to these concerns we are issuing a CCS Category 2 compliance score against permit condition 1.1.1.

NRW are also considering the issue of an enforcement notice to require the company to address this non-compliance.

ACTION: Update and submit a new Environmental Management System (EMS) to Natural Resources Wales with updated operating procedures for waste storage at Ty Mawr West Quarry.

Site Information Board

We are unaware that this operation has an information board displaying relevant emergency information to the public.

ACTION: Please review page 23 of document "How to comply with your environmental permit" and erect a site information board at Ty Mawr West Quarry.

Waste Returns

A review of the site's waste returns has been undertaken and it has been identified that waste returns for quarter 1, 2, 3 and 4 of 2023 and quarter 1 of 2024 have not been submitted to NRW.

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".*

As these waste returns have not been submitted for review, NRW have been unable to assess the waste types that have been imported and exported from Ty Mawr West Quarry.

We are therefore unable to assess the nature of the the wastes currently stored and deposited at Ty Mawr West Quarry.

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

NRW are also considering the issue of an enforcement notice to require the company to address this non-compliance.

ACTION: Waste returns for quarter 1, 2, 3 and 4 2023 and quarter 1 of 2024 must be submitted to NRW.

Onward transfer of waste and aggregate from Ty Mawr West Quarry

NRW have previously discussed concerns with the company regarding the apparent absence of recovery options available for the wastes currently stored at Ty Mawr West Quarry. It is evident that little progress has been made to identify and utilise off-site recovery operations to reduce the stockpiles of wastes currently stored at Ty Mawr West Quarry.

We wish to once again emphasise the importance of identifying and utilising suitably permitted off site recovery sites to reduce waste stockpiles and bring your site back into compliance with your environmental permit.

Diolch yn fawr,

Leon Williams

Senior Waste Regulation Officer

**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.

If your assessment result in Section 1 is suspended, what does this mean?

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 Waste compliance criteria (used in section 1 and 2):

1. Management

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

2. Operations

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

3. Emission and Monitoring

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

4. Information

- W4A – Records
- W4B – Reporting
- W4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.