

Compliance Assessment Report CAR_NRW0045108

Permit being assessed: BP3330LS.

For: Ty Mawr Farm Landfill, **held by:** Mr Griffith Wyn Griffiths and Mr Edward Lloyd Griffiths

At: Betws Yn Rhos, Abergele, Conwy, LL22 8AA.

Type of assessment: Site Inspection,

Reason: Routine.

On: 28/08/2024 between 13:00 and 14:30.

Parts of permit assessed: See below.

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

Report sent to: Griffith Wyn Griffiths / Edward Lloyd Griffiths, Permit operators, on 24/09/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W3E - Waste - Emissions and monitoring - Monitoring	C2 Significant	3.6.1
W2E - Waste - Operations - Waste acceptance	C3 Minor	2.8.1
W2C - Waste - Operations - Operating techniques	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
2	35

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
W3E	Review the condition of and re-instate all serviceable monitoring points as specified in schedule 4 of site permit. Ensure monitoring points are constructed in accordance with permit drawing ESID4 and guidance notes LFTGN02 and	27/03/2025

Criteria	Action needed	Complete by
	LFTGN03.	
W2E	Ensure all non-complaint waste is removed from site and taken to a suitably authorised facility. Amend EMS procedures, to ensure site has thorough waste acceptance procedures in place.	14/10/2024
W2C	Please respond to this CAR form, explaining how tipping of waste on site is being managed to achieve the profiles 'Hydrogeological Cross Section 2058.SRA.01', 'Engineering and Installation details 2058.SRA.02' and 'Restoration 2058.ESID.05' The response should be in the form of an up-to-date filling plan based on the recent topographic survey.	14/10/2024

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

A routine site inspection took place on Wednesday 28th August 2024. Natural Resources Wales Waste Regulation Officer, Sarah Walton and Senior Waste Regulation Officer, Leon Williams met on site with permit operator Griffith Wyn Griffiths. Edward Lloyd Griffiths (Technically Competent Manager and joint permit operator) was on site but did not join officers on the inspection.

Officers reported to the site office/reception area. Staff provided officers with a selection of recent waste transfer notes. The WTNs mostly showed soil and stone being accepted to site under waste code 17-05-04.

It was explained that the main purpose of the inspection was to check through all the monitoring points and to understand how the landfill is being constructed.

Permit Condition 3.6.1 "The operator shall, unless otherwise agreed in writing by the Agency, undertake the monitoring for the parameters, specified in the following tables in schedule 4 to this permit:

- (a) Groundwater specified in tables S4.1 and S4.6;***
- (b) Landfill gas specified in tables S4.2, S4.3;***
- (c) Surface water specified in table S4.4; and***
- (d) Particulate matter specified in table S4.5"***

Officers began a walk around site to check on monitoring points, using permit drawing ESID4 as a guide

The first monitoring point checked was GW1. Griffith took officers to the below location (see

photographs).



Photographs showing location of monitoring point GW1

The site of GW1 was very overgrown and there was no visible well/monitoring point due to the amount of vegetation. Officers tried to access the monitoring point, but no route could be found to GW1. According to monitoring results submitted by the operator, GW1 was last sampled in August 2024. However, this location looks like it has not been accessed for a significant amount of time. It is evident that the monitoring point is not being maintained

and access is very limited due to lack of maintenance. Officers continued to try and find the monitoring points as noted on drawing ESID4. Griffith led officers to two points he believed were boreholes for landfill gas monitoring. The photos below show the two locations.





Photographs showing 2 monitoring points - references unknown

The first two photographs show one of the monitoring points, but Griffith was unsure which borehole/sample point this was. After moving some of the vegetation, a damaged gas tap was found. It was lying horizontal and the plastic surround was also broken. It has clearly been damaged by operations on site.

The third photograph shows a further monitoring location, however Griffith was unsure which borehole it was and he could not find the headworks of the borehole.

At this point, officers queried how monitoring data was being sampled and reported to NRW, when the monitoring infrastructure on site was clearly either inaccessible, damaged or location unknown. NRW believe that the submitted monitoring data is likely to be inaccurate and documents may have also been falsified.

It is an offence under Regulation 38(4)(c) of the Environmental Permitting Regulations 2016, to intentionally make a false entry in a record required to be kept under an environmental permit condition.

This offence may result in some enforcement action being taken against the permit operator, the nature of which will be communicated in due course.

Because sampling is not being undertaken in accordance with permit condition 3.6.1, a CCS C2 score has been applied for this non-compliance. This permit breach has the potential to have a significant environmental impact.

None of the monitoring points are currently being sampled as required by the permit.

Therefore, the environmental impact from waste operations on site is currently unknown.

On this inspection and previous inspections, officers have identified non-compliant wastes on site that are not 'inert'. Given non-permitted waste is being deposited on site, there is concern that the landfill may be producing gas, but as data is not being collected, it is not known whether the landfill is producing any gas or impacting surface/groundwater. This poses a risk to the local environment and staff on site.

ACTION: Review the condition of and re-instate all serviceable monitoring points as specified in schedule 4 of site permit. Ensure monitoring points are constructed in accordance with permit drawing ESID4 and guidance notes LFTGN02 and LFTGN03 (see links below).

Replace any un-serviceable infrastructure by 27th March 2025.

Please be aware, an Environmental Permitting Regulations 2016 Regulation 36 notice will be issued on the permit operator, requiring compliance with this permit condition.

Guidance on Monitoring of Landfill Leachate, Groundwater and Surface Water (LFTGN02):
<https://assets.publishing.service.gov.uk/media/5a7ece0840f0b62305b8349c/LFTGN02.pdf>

Guidance on Management of landfill gas (LFTGN03):
<https://www.gov.uk/government/publications/management-of-landfill-gas-lftgn-03>

Permit Condition 2.8.1: *"Wastes shall only be accepted for disposal if:*

- (a) they are listed in schedule 3, and*
- (b) they are inert waste, and*
- (c) they are not liquid waste (including waste waters but excluding sludge), and*
- (d) all the relevant waste acceptance procedures set out in schedule 1 of the Landfill Regulations have been completed, and*
- (e) they fulfil the relevant waste acceptance criteria, and*
- (f) they have not been diluted or mixed solely to meet the relevant waste acceptance criteria, and*
- (g) from 30th October 2007 they are wastes which have been treated, except for wastes for which treatment is not technically feasible".*

Griffith led officers to the area of the landfill where waste was currently being deposited. It was explained that 2 loads of waste had been deposited on site that morning (see photographs below).







Photographs showing waste deposited on site

The above photographs show waste that was deposited on site that morning (28/08/2024). Waste Transfer Notes were requested for this waste movement, which show 15.6 tonnes of waste going into site across two loads, described as 'soil and stone' and coded 17-05-04. It is evident from the photographs that this waste has been inaccurately coded and described. It appeared to be a variety of mixed construction and demolition waste. There was also a significant amount of contamination. This waste had been deposited by another known permitted waste operator.

Within the deposited waste, officers identified parts of plastic piping, rubber gloves, metals including a saw, electrical wiring, plant material, plastic bags, plastic bottles, plasterboard and other various contaminants.

The producer of this waste has failed to correctly classify their waste. Given the visual nature of this waste, Ty Mawr Farm Landfill should not have accepted this waste to site. The landfill is only permitted to accept specific inert waste. The waste shown above is not entirely inert and is not 'soil and stone'.

Officers queried what the current waste acceptance procedures were. Griffith explained that the producer or carrier of the waste reports to the site office and completes a waste transfer note. The customer is then free to deposit waste without any further checks to ensure waste matches the description on the waste transfer note.

CCTV images provided by the site, show that it is not possible to check incoming loads on camera, as this does not give enough detail of the waste within the vehicle. Incoming waste should be visually inspected to ensure it is compliant with permit conditions and not contaminated.

The site's waste acceptance procedures are not being adhered to and EMS procedures are not sufficient for waste acceptance. This is not the first time the site has been found to have accepted non-permitted waste on site.

The permit has been scored a CCS C3 for this permit breach. The site has accepted waste that has clearly been mis-described. Within the waste deposit was biodegradable waste, plastics, metals etc, that are not inert and have the potential to degrade, either causing production of landfill gas or impact to surface/groundwater.

ACTION: Ensure all non-complaint waste is removed from site and taken to a suitably authorised facility. Amend EMS procedures, to ensure site has thorough waste acceptance procedures in place.

Permit Condition 2.3.1 *"The Activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1 table S1.2, unless otherwise agreed in writing by the Agency"*
Table S1.2 states *"Application The responses to questions B2.1, B2.2, B2.3, B2.4, B2.5, B2.7, B2.8, B2.9 and B2.11 of Part B of the Landfill Application Form"* and *"Response to schedule 4 notice dated 06 /11/06 - All"*.

Officers approached the tipping face of the landfill, which was very steep in parts. It was queried with Griffith, how the landfill was being constructed and what the final profiles were. Griffith explained that he was aiming to achieve a 'dome' structure that levelled with the adjacent roads.

It was not clear exactly how the landfill was meeting construction proposals as detailed in the original permit application.

Within Appendix 5 of the 'Response to schedule 4 notice' permit application, is a Stability Risk Assessment (SRA). This can be found on pages 38 to 51.

This SRA notes the landfill will be constructed in accordance with the following profiles:

- Hydrogeological Cross Section 2058.SRA.01,

- Engineering and Installation details 2058.SRA.02, and
- Restoration 2058.ESID.05

ACTION: Please respond to this CAR form, explaining how tipping of waste on site is being managed to achieve the profiles 'Hydrogeological Cross Section 2058.SRA.01', 'Engineering and Installation details 2058.SRA.02' and 'Restoration 2058.ESID.05'. The response should be in the form of an up-to-date filling plan based on the recent topographic survey.

Officers left a Code B Notice at site before leaving 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

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.