

Compliance Assessment Report CAR_NRW0045681

Permit being assessed: EB3697TF.

For: O J Jones & Son, held by O J Jones & Son Limited

At: Porthmadog, Gwynedd, LL49 9SL.

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

On 25/09/2024 between 11:35 and 12:45.

Parts of permit assessed: As below.

NRW Lead Officer: Leon Williams, accompanied by Cheryl Griffiths.

Report sent to: Dewi Jones, Company Director on 13/12/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	C3 Minor	1.1.1(a)
W2A - Waste - Operations - Permitted activities	Assessed (A)	
W2D - Waste - Operations - The site	Assessed (A)	
W2E - Waste - Operations - Waste acceptance	Assessed (A)	
W3A - Waste - Emissions and monitoring - Emissions to water, air or land	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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	Waste storage procedures need to be created for the site as well as a Factory Production Control System for the production of aggregates in accordance with the WRAP Quality Protocol.	31/03/2025

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

This was an announced site inspection at O J Jones & Son Limited's waste transfer station located at Ffordd Penamser, Porthmadog, Gwynedd, LL49 9SL by Natural Resources Wales Senior Waste Regulation Officer Leon Williams and Waste Regulation Officer Cheryl Griffith.

Present on site on behalf of O J Jones & Son Limited were Dewi Jones and Louisa Jones.

W1A - General management

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 the 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.

A review has been undertaken of the sites Environmental Management System (EMS) which was received on site.

The existing EMS is a mixture of various documentation including risk assessments, checklists, permits, licences, maintenance records and operating procedures written in 2015.

We have identified that the EMS does not contain specific waste storage procedures. These are specified in the current "How to comply with your environmental permit" guidance:

If you store waste pending its disposal or recovery elsewhere, your management system must include:

- *"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*
- *procedures to segregate incompatible wastes for example use of appropriate separation distances and or suitable engineering measures".*

NRW requires that these procedures are developed and incorporated into the site EMS.

These procedures are required to prevent the overstocking of waste at your site and to ensure that waste stockpiles are managed to prevent negative impacts upon the environment.

Please find a link to the most recent "How to comply with your environmental permit" guidance: [How to comply with your environmental permit \(naturalresources.wales\)](https://naturalresources.wales/guidance/how-to-comply-with-your-environmental-permit)

We are aware that O J Jones & Son Limited processes inert waste at the waste transfer station into various aggregates. End of waste status is obtained by following the procedures outlined in the WRAP Quality Protocol.

An Environmental Management System (EMS) must explain how an operator will comply with all relevant environmental and waste legal duties. This includes identifying legal requirements, meeting any standards or requirements in guidance and codes of practice, quality protocols, assurance schemes, as well as other regulations that relate to environmental protection. The latter includes regimes such as Duty of Care.

O J Jones & Son Limited's current site EMS does not contain a defined procedure for compliance with the WRAP Quality Protocol.

Section 2.4. of the WRAP Quality Protocol requires that all aggregates produced from inert waste are "processed in accordance with an approved standard including a Factory Production Control System".

O J Jones & Son Limited cannot produce aggregate from inert waste without a Factory Production Control System being in place.

Please see the current WRAP Quality Protocol document for reference:
[LIT_8709_c60600.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/LIT_8709_c60600.pdf)

All requirements of the Quality Protocol must be met to achieve end of waste status for recycled aggregates. Failure to comply with the requirements could result in un-permitted waste deposits as well as mis-description of waste offences contrary to Section 34 of the Environmental Protection Act 1990.

The current site EMS has insufficient written procedures regarding waste storage and WRAP Quality Protocol.

A CCS Category 3 score has been issued in response to this non-compliance against permit condition 1.1.1(a).

ACTION: Please update the sites waste storage procedures and develop and Factory Production Control System to comply with the WRAP Quality Protocol by the 31 March 2025.

W1A - General management

Permit Condition 1.1.4 - The operator shall comply with the requirements of an approved competence scheme.

A CIWM continuing competence certificate for Kevin Connell has expired in September 2024. We are advised that Louisa Jones is seeking to undertake a competency assessment on behalf of O J Jones & Son Limited. Please forward us a copy of the certificate upon completion.

W2A - Permitted activities

All waste deposits where stored on hardstanding during the visit. Some vegetative growth was observed on the waste stockpiles. The procedural amendments mentioned above will address waste storage timescales and prevent waste being stored indefinitely.



W2D - The site

All waste deposits where stored within the sites permitted boundary.

W2E - Waste acceptance

The waste types stored on site were in compliance with the site permit.

W3A - Emissions to water, air or land

The discharge point for the site drainage was inspected. This point was generally overgrown with vegetation.

ACTION: We would recommend that the overgrowth here is removed to allow better inspection of the discharge point.



Please continue to inspect and record observations at the discharge point to ensure that suspended solids, oil or grease are not present in any discharges.

General advice regarding waste soils

At present there are no end of waste regulations, quality protocols or resource frameworks which enables soils treated at waste transfer stations to meet end of waste status.

The onward recovery or disposal of waste soils stored and transferred from O J Jones & Son Limited's waste transfer station must be made at sites which benefit from either a relevant environmental permit or waste exemption.

All movements of waste soils from O J Jones & Sons Limited's waste transfer station must also comply with the requirements of Section 34 of the Environmental Protection Act 1990 and Control of Pollution (Amendment) Act 1989.

During this inspection we became aware that the company had purchased soil from another waste transfer station. Considering the above guidance, NRW believes this soil

remains a controlled waste and its storage should be documented on the site's waste returns.

NRW will engage further with the producers of the soil purchased by O J Jones & Son Limited to ensure they also comply with the requirements referenced above.

If you wish to discuss the contents of this report with us please do not hesitate to contact us.

Diolch yn fawr,

Leon Williams

Uwch Swyddog Rheoleiddio Gwastraff / Senior Waste Regulation Officer
Cyfoeth Naturiol Cymru / Natural Resources Wales

www.cyfoethnaturiol.cymru / www.naturalresources.wales

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.