

Compliance Assessment Report CAR_NRW0038927

Permit being assessed: RP3337SE.

For: Nant Newydd Quarry Landfill Site, held by Clive Hurt (Plant Hire) Ltd

At: Brynteg, Anglessey, LL78 7JJ.

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

On 10/11/2021 between 11:15 and 13:00.

Parts of permit assessed: See Below

NRW Lead Officer: Philip Harper, accompanied by Ceris Evans.

Report sent to: Richard Hurt, Operator on 30/11/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
D1 - Incident Management - Site security	C3 Minor	1.5.1
A1 - Specified by permit	C3 Minor	2.1.1
F1 - Amenity - Odour	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
F5 - Amenity - Deposits on road	Assessed (A)	
E2 - Emissions - Land and groundwater	C3 Minor	3.2.3 Schedule 4.2

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

Total number of non-compliances recorded	Total non-compliance score
3	12

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
D1	Improve site security at rear of site	22/12/2021
A1	Stop burning within permitted area, provide mitigation measures to prevent oils entering the watercourse.	22/12/2021
E2	Apply for a permit variation	29/04/2022

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

NRW officers Phil Harper and Ceris Evans visited Nant Newydd Quarry Landfill Site, Brynteg, Anglesey, LL78 7JJ on the 10th November 2021. This was an announced site visit. The visit was accompanied by the operator Richard Hurt. Jackie Ferguson and John Baxter from ByrneLooby were also present.

At the time of the visit no wastes were being brought into the site for treatment or deposit. Weather conditions were cloudy with sunny spells.

During the visit the discharge of improvement conditions 1.3.2, 1.3.6 and 1.3.9 was discussed. Currently the site is regularly in breach of permit limits for ground water and gas. Documentation has been provided to show that background levels for the pollutants identified in the permit are higher than the permitted limit. Until the site is compliant with its permit the improvement conditions cannot be discharged.

If the operator is satisfied that the levels observed represent background levels then it is advised to apply for a permit variation to modify the permitted limits, ensuring that appropriate evidence is included to support the proposed limits.

E2 Land and Groundwater

Schedule 6 Notification

On the 18th November 2021 a Schedule 6 notification was received by NRW. The following concentrations were observed.

The permitted limit for chloride is 15.1 mg/l.

The permitted limit for sulphate is 18.09 mg/l

The permitted limit for ammoniacal-nitrogen is 0.38 mg/l

-BH2D chloride **18 mg/l**, sulphate **41 mg/l**

-BH3DA chloride **24 mg/l**, sulphate **37 mg/l**

-BH4D chloride **30 mg/l**, sulphate **42 mg/l**, ammoniacal-nitrogen **0.5 mg/l**

-BH5D chloride **28 mg/l**, sulphate **126 mg/l**

A **category 3 breach** has been applied with respect to permit condition **3.2.3 Schedule 4.2**.

A1 Specified by Permit

The South Western corner of the site is not owned by the operator. However, following the transfer

of the waste permit in 2017 has remained within the permitted boundary.

During the site visit permit breaches were observed within this area. Although the area has been separated from the landfill, any non-compliances are the responsibility of the permit holder.

Burning of Waste

An ash pile was observed within the South Western corner of the site indicating that burning had taken place. Please note that the front cover of the permit specifies the following “This permit does not permit the burning of any wastes, either in the open, inside buildings or any form of incinerator”. Further to this permit condition 2.1.1 states that “the operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”). Burning is not a listed activity.

Oils and Fuel Entering the Watercourse.

Hydrocarbons were observed entering the watercourse at the site drain which is culverted beneath the area in question. No mitigation had been employed to either manage spillages or clear up the oil. Sections 5.3.4 and 5.3.5 in the sites environmental management system describe the steps to be taken when a spill is identified within the permitted area. None of the steps to mitigate the spillage had been taken. This is a failure to adhere to the sites management system. This is a **permit breach** with respect to **permit condition 1.1.1(a) “The Activities shall be managed and operated 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”**.

Inert Waste

A deposit of inert waste was observed in the South Western Corner. This waste has entered the permit area and is subject to the controls specified by the permit. The waste observed was compliant with the permit. Please ensure that the waste appears on waste returns for the site and that waste transfer notes are retained.

A consolidated **Category 3 score has been applied** for breaches against the permit.

D1 Site Security

The site benefits from a security fence at the main entrance which has a lockable gate. However, an access gate is present at the back of site, which leads out onto a lane. A feeding station for pheasants was observed on the site but outside the permitted area. Discussions indicate that its placement was not authorised.

The disappearance of an absorbent boom from the quarry lagoon was also discussed. This indicates that the site is not secure. Permit condition 1.5.1 States that “**Site security measures shall prevent unauthorised access to the site, as far as practicable**”. A plan to prevent unauthorised access to the site should be submitted to NRW by the 22nd December 2021. A **category 3 score has been applied**.



F1 Odour

No odours on site or outside of the site boundary.

F3Dust/fibres/particulates and litter

No dust on site, no litter outside of the site boundary.

F4 Pests/birds and scavengers

No vermin on site.

F5 Deposits on road

No deposits or mud on the road outside the site.

Kind Regards

Phil Harper

Industry and Waste Regulation Officer NW

03000 65 3717

philip.harper@cyfoethnaturiolcymru.gov.uk

Please note any reference within the CAR/ permit to the Environment Agency means Natural Resources 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.