

Compliance Assessment Report

Report ID:
CAR_NRW0032013

This form will report compliance with your permit as determined by an NRW officer

Site	Llanelli Tin Recovery Works	Permit Ref	BM2381IQ		
Operator/Permit holder	AMG Resources Ltd				
Regime	Installations				
Date of assessment	10/08/2017	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Pre app discussions				
Lead officer's name	Taylor, Richard				
Accompanied by					
Recipient's name/position	Paul Tobin/ Site Manager	Date issued	10/08/2017		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
--	--------------	-----------------------

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	0	Total compliance score (see section 5 for scoring scheme)	0
-----------------------------	---	--	---

If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

The purpose of this CAR form is to document the current status of the site and address any current outstanding issues.

1. Variation V006 Issues.

AMG Resources hold a permit BM2381IQ which is regulated by Natural Resources Wales. The current version of the permit (V006) incorporated the Industrial Emissions Directive non-ferrous metals sector review, and was issued to the site on 13th June 2017 via the site representative's email. However the site's environmental compliance is managed by an independent company 'Environmental Compliance Ltd'. This Company had not received a copy of the permit until 20th July after they visited NRW's offices at Llandarcy for pre application discussions. NRW sent the permit variation to the site representative on 13th June 2017, but this was not forwarded on to ECL for their comments.

Consequently any concerns about the new permit variation were not raised until 2nd Aug 2017 by ECL. These were;

Issue 1. *Within Table S3.2 'Point source emissions to water (other than sewer) and land – emission limits and monitoring requirements' on page 12 and 17, it states that the source of the W1 is the Effluent Treatment Plant. The permit previously stated that the source was site surface water drainage which is still the case. As you are aware there is no Effluent Treatment Plant on site, thus the permit does not reflect site activities. This needs to be amended.*

NRW comment – Correct. This should have been spotted earlier and amended.

NRW Decision; We will note this permit error when regulating the site but not make any changes to the permit until the site applies for the next variation detailed later, but will include this issue into the new permit.

Issue 2. *There is also a new permit requirement (PC 4.2.6.) which states that: "The Operator shall submit an annual solvent management plan in order to demonstrate compliance with the requirements of the Industrial Emissions Directive, by 31 January each year in respect of the previous year." AMG do not use solvents on site, the operations do not fall under Annex VII of IED and there are no emission limits related to the use of solvents. Consequently we request that this requirement is removed as it is not applicable to the installation.*

NRW comment - This was included because the listed activity was captured by the IED review of non-ferrous metal sites and is a standard permit condition. However the site has effectively ceased operations under this activity since Nov 2014 but has kept the permit in place. This means that the site is still required to submit the annual solvents management plan until the permit activity S2.2A1 (a) is surrendered and activity under 5.4 is applied for. However, this would effectively be a 'nil return'. Therefore, a common sense approach will be applied where the site inspector has previously noted the activities taking place on site and confirms that no solvents are currently being used on site for the process and have not been used since before the IED legislation became legal.

NRW Decision; We therefore waive this permit requirement until the new permit variation takes effect but reserve the right to reverse this decision if future inspections show the site has returned back to the 2.2 activity.

2. Improvement Programme.

NRW received this submission from site on 1st August 2017 (within the reporting window) to satisfy the

requirements of permit table S1.3 where the non-ferrous metals sector BAT conclusions were required to be reported to us as an improvement issue.. Site reported that they could not meet the BAT requirements in 2 areas. 1. Diffuse emissions from charging, smelting and tapping; 2, Diffuse emissions from re-melting, refining and casting.

NRW comment - It is likely that this report will not be required under the new permit which the site is in the process of applying for, because surrendering the current 2.2 activity and adopting a 5.4 activity removes the requirement for the site to be captured under the BAT requirements for non-ferrous sites. However AMG have met the requirements to submit this report under the current permit which was due within 3 months of the issue of the permit variation V006 on 13th June 2017, i.e. 13th Sept 2017.

3. Pre-application meeting held at NRW Offices Llandarcy on 20th July 2017. Present, Paul Tobin (AMG), Sarah Burley (ECL), Sara Jones (ECL), and Richard Taylor (NRW).

This meeting was held to discuss the options for the site and to outline any difficulties which may arise for the site to comply with an application to vary the site permit.

In the last CAR form dated 5th May 2017, AMG were asked to show that their capacity is less than 75 tonnes per day or accept that the site is captured by EPR activity 5.4 (A (1) (b) (iv) . The site has now come to a decision and will apply for a permit variation to remove their section 2.2(A) (1) (a) activity and include a 5.4 (A (1) (b) (iv) activity. This will be achieved through an application through NRW's permitting department, but will be evaluated under permitting rules and take a statutory 4 months from when the application is received. Site may be asked to provide decommissioning certificates for equipment used for the 2.2 activity.

The main areas of concern for NRW to consider in the application will be;

3.1 Pollution to water. The storage area for the metals to process. At present the site has a large area of made ground which is being used to store material. There is a high likelihood that rainfall runoff will carry metals to ground and surface water. Approximately 10% of the stored metals contain 'fluff' at about 200 tonnes per annum. 'Fluff' is unwanted waste which has been included within the quantity of recycled metal. The leaching qualities of this material are currently unknown. But pose a risk to runoff water contamination. A waste analysis of this waste will be required to be submitted with the permit application. To this end item 3b raised on CAR form dated 5th May 2017 needs to be addressed where potentially contaminated rainwater runoff has a pathway to groundwater.

At present the sector BREF note applies to waste treatment plants. This was introduced in 2006 and is due to be formally updated shortly. The draft BREF dates from 2015.

http://eippcb.jrc.ec.europa.eu/reference/BREF/WT_bref_0806.pdf Section 47 has an immediate effect on the site and is likely to be listed as an improvement item with a deadline. 'have a full concrete base in the whole treatment area, that falls to internal site drainage systems which lead to storage tanks or to interceptors that can collect rainwater and any spillage'.

There is a formal draft on the Europa website Site needs to be aware of the proposed tightening of water quality monitoring frequencies. Site is required by EU BAT to address improvements in water run off according to Waste BAT reference document. <http://eippcb.jrc.ec.europa.eu/reference/> where section 6.1.1.3 addresses the requirement to monitor emissions to water. Note the current permit will be evaluated against sector BAT and proposed BAT standards may be adopted in the new permit variation where TOC, COD, TSS, Hydrogen Oil, Arsenic, Cadmium, Chromium, Copper, Nickel, lead, Zinc, and Mercury are required to be monitored every week.

3.2 Waste management. Site will also need to employ BAT standards to the waste management on site. This needs to form part of Environment Management System with particular reference to Waste treatment. The draft BREF can be found in the following link and site need to be aware of the likely BAT standards which they may need to adopt. http://eippcb.jrc.ec.europa.eu/reference/BREF/WTbref_1812.pdf Particularly at 6.1.1.2 'waste stream management where BAT is to be employed in;

- a. Waste characterisation and pre-acceptance procedures
- b. Implementation of the procedures
- c. Waste tracking and inventory
- d. Waste segregation
- e. Waste compatibility
- f. Sorting.

As detailed in previous CAR form NRW0031560 dated 5th May 17, the hardstanding area is

currently the only area external to the buildings where site meets their permit conditions for storing the waste. This area needs to have its storage area quantified and to not be exceeded. The management plan needs to detail why a maximum 2000 tonnes of scrap metal needs to be held on site, and the document control has to be robust enough to show all inputs do not remain for over 12 months.

It is likely that the site capacity to store scrap for reprocessing will be limited to the capacity of this hard standing area, and that there will be improvement conditions for sealed drainage in this area to meet BAT standards.

3.3 Fire. In previous CAR forms site have been advised to adhere to the recommendations of Steven Richards of the Fire service detailed in CAR form 151004 and CAR 8th Aug 2012 where 50 tonne piles were not to be exceeded.

3.4 Noise – Site need to address noise mitigation measures employed on site. This will be an ongoing issue particularly with the area being the subject of a new local school and businesses. Site will be asked to provide a BT assessment for this.

3.5 Dust – Needs to be minimised. Collected rain water can be used as a suppressant in accordance with BAT.

3.6 Radiation – Draft BAT is to pass deliveries through a radiation detector as part of the waste acceptance check.

4. Permit Variation Application and OPRA

The site needs to submit a revised OPRA spreadsheet with the application. Some activities need to be removed from the permit which will reduce the site OPRA score. These are;

A1 Surrender of activity S2.2A1(a) producing non-ferrous metals from secondary raw materials by metallurgical, chemical or electrolytic activities and application for 5.4 (A (1) (b) (iv) activity.

A3 Site generated energy supply for process.

A4 processing of product – cathode melting, furnace melting and casting of tin.

A7 operation and control of emission abatement system – air emissions and effluent treatment.

Note; permit schedule 1 A6 has a directly associated activity in place for handling of liquors and liquid wastes – spent liquors, was waters, other effluents. Although A6 covers much of the old process on site, the handling of wash waters and run off can be classed as liquid wastes which is pertinent to the runoff waters from the scrap storage areas, therefore this activity is likely to remain in the permit.END.

--

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0032013**

This form will report compliance with your permit as determined by an NRW officer

Site	Llanelli Tin Recovery Works	Permit Ref	BM2381IQ
Operator/Permit holder	AMG Resources Ltd	Date	10/08/2017

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.