

Compliance Assessment Report CAR_NRW0039969

Permit being assessed: RP3098FM.

For: Ammanford Metal Recycling, held by Ammanford Recycling Ltd

At: Shands Road , Ammanford, Carmarthenshire, SA18 3QU.

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

On 26/05/2022 between 10:45 and 11:25.

Parts of permit assessed: See Below

NRW Lead Officer: Michael Edwards, accompanied by Sally Wakeford.

Report sent to: Richard Safadi & Adrian Stewart, Directors on 10/06/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C4 - General Management - Storage, handling labelling and Segregation	C2 Significant	2.1.1
C2 - General Management - Management system and operating procedures	C2 Significant	5.1.4 & Directly applicable legislation
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	
A1 - Specified by permit	C3 Minor	2.2.1

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

Total number of non-compliances recorded	Total non-compliance score
3	66

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
C4	The site is required to reduce the amount of waste vehicles stored on site so that it is inline with the limitations of the permit conditions and ensure that storage is in accordance with the methods described in the submitted EMS.	30/06/2022
C2	Ensure that all oil spills are cleared in a timely manner and in line with the above conditions as written in the EMS. Ensure that EMS procedures are followed to minimise the risks of pollution from site operations .	30/06/2022
A1	Non confirming wastes stored on the area used for the T9 activity must be removed from the site to an authorised facility.	30/06/2022

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.

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

Unannounced site inspection undertaken by Michael Edwards and Sally Wakeford of Natural Resources Wales, accompanied on site by manager Andy Evans.

Depollution Process

Since the previous inspection the new depollution equipment has been installed within the extended depollution bay area.

Under **condition 1.2.1** of the environmental permit, the site is required to store and treat waste motor vehicles in line with Schedule 5 of the ELV Regulations. The provisions of this schedule include *'having impermeable surfaces, provided with spillage collection facilities, decanters, cleanser degreasers and provided with the equipment for the treatment of water in compliance with the applicable legislation concerning health and environment matters, containers that are appropriate for the storage of batteries, filters and condensers containing PCB or PCT and storage tanks that are appropriate for the separate segregated storage of any fluid from waste motor vehicles'*.

Batteries were stored within the shed area in appropriate containers. The bunded tanks used to collect and store waste oils from the depollution process were clearly labelled and stored in the area marked within the Environmental Management System (EMS) as required by the conditions of the permit.

Storage of wastes

Under the limitations listed in **Table 2.1** the site can store a maximum of 100 vehicles (16 01 04 End of life vehicles – un depolluted) with vehicles only stored within the area marked on the site plan.

The most recent EMS submitted to Natural Resources Wales, dated March 2021. States: Each vehicle will be accessible from at least one side, rows of cars will be limited to 2 vehicles side by side in each row, vehicle stacking (either on top of each other or on racks) will be limited to 2 vehicles high, scrap metal will be recovered and treated away from other wastes in an open dedicated area.

During the inspection, un depolluted vehicles were stored in a large single pile at a height of up to 6 vehicles. **This has been marked as a Category 2 breach of condition 2.1.1** given the significant risk of fire that it poses and the sites proximity to sensitive receptors.

Current storage methods would make it difficult to deal with an incident rather than if vehicles were stored in accordance with the EMS.

ACTION – The site is required to reduce the amount of waste vehicles stored on site so that it is inline with the limitations of the permit conditions and ensure that storage is in accordance with the methods described in the submitted EMS.

A review of the submitted waste returns for the 2021 financial year has shown an annual throughput of end-of-life vehicles of 3970 tonnes. At present the current limitations of the site only allow a maximum throughput of **2500 tonnes** of end-of-life vehicles as stated in **Table 2.1**.

Separation of permitted and exempt activities

Under **condition 2.2.1** the site is required to demonstrate clear separation between the specified permitted operations and the waste exemption. This issue has been raised on several previous occasions, although actions have been taken to rectify the issues, there is evidence of consistent breaches of this condition.

This has been scored as a **Category 3 breach of permit condition 2.2.1**. Natural Resources Wales has a duty to remove an entry from the exemptions register if the facility ceases to be an exempt facility. The T9 will be deregistered with immediate effect in line with Environmental Permitting Regulations.

ACTION- Non confirming wastes stored on the area used for the T9 activity must be removed from the site to an authorised facility.

Leaks and Spillages

Condition 5.1.4 states that in the event of any potentially polluting leak or spillage occurring on site, documented control and remediation procedures shall be implemented immediately and recorded and shall meet the standards specified in Table 5.1.

Action d) of Table 5.1 refers to the control and remediation of leaks and spillages. Major spillages of oil, fuel or other end of life vehicle fluid which are causing or are likely to cause polluting emissions to the environment.

- Immediate action shall be taken to contain the spillage and prevent liquid from entering surface water drains, water courses and unsurfaced ground;
- The spillage shall be cleared immediately and placed in alternative appropriate containers;
- The agency shall be notified immediately.

During the inspection it was noted that oil covered a large volume of the site, with no clear indications that actions were taken to remedy the spillages as required under the above

conditions.

This has been scored as a **Category 2 breach of permit condition 5.1.4** as it poses a significant fire risk to the site.

ACTION – Ensure that all oil spills are cleared in a timely manner and in line with the above conditions as written in the EMS.

Directly applicable legislation

Under the Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulation 2018, (directly applicable legislation) Condition A requires the operator to manage and operate a waste operation in accordance with system that minimises the risk of pollution arising from the waste operation.

The root cause of the issues identified during the inspection stem from a failure in following the procedures set out within the EMS, including storage methods and oil spillage procedures. This has been scored as a **Category 2 Breach of directly applicable legislation.**

ACTION- Ensure that EMS procedures are followed to minimise the risks of pollution from site operations .

Natural Resource Wales will be considering its enforcement action for the above permit breaches.

Many thanks for your time during the inspection.

Any compliance criteria not highlighted in the above summary should be considered as not assessed.

In this document ‘Natural Resources Wales’ means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012.

You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.

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.