

Compliance Assessment Report CAR_NRW0041072

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: Incident Response (Incident number 2300870).

On 01/02/2023 between 11:40 and 12:40.

Parts of permit assessed: see below

NRW Lead Officer: David Ellar.

Report sent to: Richard Safadi & Adrian Stewart, Directors on 09/02/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C2 Significant	2.2.1
B1 - Infrastructure - Engineering for prevention and control of emissions	C2 Significant	3.1.2
C2 - General Management - Management system and operating procedures	C2 Significant	5.1.4
C1 - General Management - Staff competency/training	C2 Significant	Directly applicable legislation

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

Total number of non-compliances recorded	Total non-compliance score
4	124

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
A1	Non confirming wastes stored on the area used for the T9 activity must be removed from the site to an authorised facility	10/03/2023
B1	Ensure that surface areas and site containment are maintained and repaired to the standards required under Table 3.1.	10/03/2023
C2	Ensure that all oil spills are cleared in a timely manner and in line with the above conditions as written in the EMS.	10/03/2023
C1	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 .	10/03/2023

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

An unannounced visit was made by David Ellar (NRW Senior Waste Regulation Officer) in response to an incident report relating to alleged unpermitted waste activity at the site (Incident WIRS 2300870). This matter was not related to the current waste permit and will be dealt with separately to this report.

During the visit David Ellar was accompanied around the site by the TCM Andy Evans. The weather was fine and dry.

A full site inspection was not undertaken at this time due to officers being there for incident response and not routine regulatory work, the following noncompliance's were however observed:

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. It has long been understood and detailed in site EMS that the concrete area to the south of the site is for T9 exempt waste activities and ELV waste operations is kept to the treatment area to the north of the site and around the ELV building. This issue has been raised on several previous occasions. On this occasion it was evident that oily waste, including ELV parts and engine blocks were being stored/treated on the T9 exempt area. The waste was covered in oil and oil puddles were clearly visible on the ground.

Photograph showing oily waste and ELV waste on the T9 Exempt area:



This has been scored as a Category 2 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 and any oil contamination must be cleaned up.

Site Infrastructure

Condition 3.1.2 of the permit states 'the engineered site containment and drainage system shall be designed, constructed, inspected, validated and maintained, and shall be fully documented and recorded, to be fit for purpose and meet the standards specified in Table 3.1.'

During the inspection it was noted that the concrete pad required maintenance in several areas throughout the site, this was particularly evident where oil contaminated ELV waste and engine blocks were being stored. Oil was seen pooling in depressions and cracks in the pad, this represents a significant risk to the environment with the damage and cracks providing a pathway for oil and pollutants to impact the environment.

This has been scored as a category 2 breach of permit condition 3.1.2.

Action - No wastes can be stored on the affected areas, until they have been repaired to the standards described in the permit under Table 3.1.

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 oil spillages were observed in several parts of the site with no clear indications that actions were taken to remedy the spillages as required under the above conditions.

Photograph showing an oil spillage that has not been cleaned up:



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 and pollution risk to the surrounding environment.

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.

Thank you for your time during the inspection.

Ends.

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.