

Compliance Assessment Report CAR_NRW0042571

Permit being assessed: BB3793ND.

For: Nevills Dock, held by AMG Resources Ltd.

At: A M G Resources Ltd, Nevills Dock, Llanelli, Carmarthenshire, SA15 2HD.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2307521).

On 26/09/2023 between 11:00 and 12:30.

Parts of permit assessed: A, C, G

NRW Lead Officer: David Morgan.

Report sent to: Adrian Stewart, Technical Competent Manager on 09/10/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C2 Significant	3.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C2 Significant	4.3.1 (a)

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

Total number of non-compliances recorded	Total non-compliance score
2	62

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
C2	You must operate activities in compliance with the site Pest Management Plan	27/10/2023
G4	You must notify Natural Resources Wales if there is an equipment/plant failure that may result in activities causing a pollution	27/10/2023

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

A site inspection was undertaken on Tuesday 26th September 2023. Present at the time of the inspection were: David Morgan (Natural Resources Wales), Catrin Clarke (Carmarthenshire County Council), Adrian Stewart (AMG Industries) and Jonathan Hapgood (South Wales Pet Experts, on behalf of AMG Industries).

The inspection was undertaken in relation to an incident report made to Natural Resources Wales regarding increased fly activity and an infestation at a nearby sensitive receptor.

A site inspection of AMG Industries was undertaken and the following observations were made:

Site Inspection

On arriving at site, a visual inspection of the residual waste was undertaken. This waste, which is a waste following the processing of metal food & drink packaging (cans) is stated as 'contraries' and had an extremely high level of fly activity. There was also a strong odour that can be typically associated with this type of waste.

A further inspection of this material was undertaken and evidence of breeding of flies (pupa/lava) was not found, however, there was a significant amount of flies on site and this management of flies was not under control.

Photographs and video was taken by officers that show a very high volume of flies on this waste.

The bay in which this material was stored was over-filled. When an enquiry was made as to how long this material had been on site, it was suggested by AMG Resources that material had been on site longer than intended. Generally, this material was odourous, looked dated and was steaming in places.

Housekeeping, specifically waste in between concrete slabs and concrete walls, was noted to be very poor and this area did not appear to be well maintained with much of the waste in this location appearing to have been on site for a significant amount of time.

Pest Management Plan

At the time of the inspection, operations were not compliant with the requirements of the Pest Management Plan. As a result, a non-compliance of the Environmental Permit was recorded.

A non-compliance was recorded (Category 2 - Significant)(Ref:C2 - 'Management Systems and Operations') against Condition 3.1.1 of the Environmental Permit.

Condition 3.1.1. of the Environmental Permit requires you to manage operations in line with an approved Pest Management Plan.

The Pest Management Plan states the following:

* Point 5.5 of the Pest Management Plan states; "Contraries separated from steel cans as part of the new shredding process will be on site for less than 72 hours". Operations were assessed as not compliant with this point.

* Point 5.6 of the Pest Management Plan states; "Cleaning of all corners to prevent build-up of litter...", "Containment of light fraction contraries within concrete storage bay...", "Cleaning-up of any over-spills from the stocking areas" and "Ensuring drainage is maintained to minimise surface water ponding". Operations were found to be not compliant with these requirements of the Pest Management Plan.

Point 5.6 also states that there is "Dry sweeping and litter collection..." on site. General housekeeping on site is of a very poor standard and the site has a large volume of litter strewn across the site. This has been noted in a previous inspection and has not been rectified.

You must ensure operations are managed in line with an approved Pest Management Plan.

Reporting & Notification

Following our inspection of the site, we discussed the build-up of flies and it was suggested that part of the issue that led to the build-up of material was due to a failure/breakdown of equipment/plant.

This was only raised during the site inspection, but had apparently been an ongoing issue.

Your Environmental Permit requires you to notify Natural Resources Wales if a breakdown/failure of plant/equipment occurs which could lead to a pollution incident.

A non-compliance has been recorded (Category 2 - Significant)(Ref:G4 - 'Reporting and notification to Natural Resources Wales') against Condition 4.3.1 (a) of the Environmental Permit.

Summary

Following an investigation into the increased presence in the local area. Natural Resources Wales conducted a site inspection at AMG Resources and found an extremely high level of fly activity on site.

Whereas signs of breeding of flies were not identified at the time of the inspection, the volume of flies, poor working practices, poor level of housekeeping, failure to prevent ponding of water could exacerbate the problem of flies in the local amenity.

Furthermore, AMG Resources has failed to notify Natural Resources Wales of the breakdown of plant on site which could have led to this issue increasing in severity.

Natural Resources Wales is now considering enforcement action and you will be notified in coming weeks of our intended course of action.

END OF REPORT

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 1 st 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.