

Compliance Assessment Report CAR_NRW0037250

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 07/12/2020 between 10:00 and 12:00.

Parts of permit assessed: A, B, C, D, F, G

NRW Lead Officer: David Morgan, accompanied by Michael Edwards.

Report sent to: Adrian Stewart, Director on 19/01/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B4 - Infrastructure - Containment of stored materials	C3 Minor	3.1.2
A1 - Specified by permit	C3 Minor	2.2.1
D1 - Incident Management - Site security	C4 No impact	4.2.2
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor	5.1.4
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C3 Minor	6.2.1
C1 - General Management - Staff competency/training	C3 Minor	2.3.1
C3 - General Management - Materials acceptance	C2 Significant	2.1.1

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

Total number of non-compliances recorded	Total non-compliance score
7	51.1

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
B4	Ensure secondary containment is provided for all fluids. Secondary containment must be 110% of capacity.	29/01/2021
A1	You must ensure activities under the Environmental Permit are clearly separated from activities that are exempt.	29/01/2021
D1	Install an ID board that contains the information required.	29/01/2021
D2	You must deal with leaks and spillages in line with procedures	29/01/2021

Criteria	Action needed	Complete by
	set out in the Environmental Permit.	
G2	You must ensure that the sufficient records are kept in line with your Environmental Permit.	29/01/2021
C1	You must ensure the Technical Competent Manager has the correct qualifications to depollute End-Of-Life Vehicles.	29/01/2021
C3	You must only accept volumes of waste that are stated in your Environmental Permit.	29/01/2021

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 routine inspection was undertaken on Monday 7th December 2020. Present during the inspection were: David Morgan (Natural Resources Wales), Michael Edwards (Natural Resources Wales), Simon Pearson (Mid and West Wales Fire & Rescue Service), Adrian Stewart (Ammanford Recycling Ltd), Richard Safadi (Ammanford Recycling Ltd) and Ben Rees (Geotechnology, on behalf of Ammanford Recycling Ltd).

The purpose of the inspection was to assess compliance with the Environmental Permit, and to also provide the operator with an opportunity to discuss measures to be implemented in the site Fire Prevention and Mitigation Plan.

Following the inspection of the site, a request was made for various documentation. A list of this information required is at the end of this report. Please read this list carefully and provide the information requested by the date specified.

An inspection of the site was undertaken, and the following observations were made:

Site Infrastructure & Engineering

It is acknowledged that in recent years there has been large-scale engineering works on site. Large sections of operational areas have been concreted thus providing sections of an impermeable surface. Also, drainage chambers and sumps have been installed, with some site surface waters being collected and tankered off site. Please see below a request for consignment notes for the disposal of site surface water.

It has been noted that you intend to seek an alternative means of managing site surface water either through discharge of site surface waters (following treatment via an interceptor) to a nearby watercourse, or through a connection to the foul sewer system.

You must ensure no discharge is made without Natural Resources Wales' consent to do so. It is noted that you intend to submit a permit variation. Discharging site surface water from operational areas of the site without consent is a serious offence and may result in enforcement action being taken against you. You must consider the relevant risk assessments, treatment processes and monitoring programmes if you wish

to install a discharge.

Natural Resources Wales officers have discussed this matter with Welsh Water following the suggestion that a discharge to the foul system would be refused/rejected. Welsh Water have confirmed that this is not the case. However, in-depth analysis and investigation on volume reduction for any potential discharge is required prior to an application being assessed. Further clarification should be sought from Welsh Water on this matter. **You must have approval from Welsh Water prior to connecting to the foul sewer system.**

Waste Storage & Vehicle Depollution

An inspection of the vehicle depollution bay was undertaken. It was our intention to undertake an audit of the depollution process, but the relevant staff members were unavailable. It is likely that during a future inspection we will request that the depollution is undertaken in order to complete this audit.

The depollution bay itself appeared to be well maintained. Waste oils/fluids/fuels were all stored in containers that were clearly labelled and segregated. General housekeeping in the depollution area was good, there were no signs of leaks or spillages of oils/fluids from the depollution process.

In the area where waste oils were being stored, two IBC's (storing waste oils/fluids) were being stored on large drip trays. Each IBC stores potentially 1,000L. The drip trays have a maximum capacity of 1050L. However, these trays are stored in a concrete bunded area and appear to be compliant. Please confirm the capacity of the concrete bunded area.

Other IBC's, stored in the HGV trailer, contained waste fluids (including diesel) and were not being stored with secondary containment.

Condition 3.1.2 of the Environmental Permit was breached (Category 3 – Minor) (Ref: B4)

Table 3.1 f) states that all storage drums and containers must be stored in a bunded area with 110% capacity of the storage unit itself. You must ensure all fluids are stored with secondary containment.

Lead acid batteries were stored in containers within a building, this is good practice and prevents ingress of rain/water.

Waste Exempt Area (T9 Waste Exemption: Recovering Scrap Metal)

An inspection of this activity was undertaken. You will be written to regarding this activity.

Wastes from the permitted operation (depollution of End-of-Life Vehicles), including depolluted vehicles and engines, are mixed with other scrap metal waste in the area of the site where the Exempt activity is operated. The Environmental Permit states that these two activities must be kept separate.

Condition 2.2.1 of the Environmental Permit was breached (Category 3 – Minor) (Ref: A1)

Activities taking place under the Environmental Permit and Waste Exemption must be clearly separated.

General Observations

Site ID Board & Site Security

The site ID board is out of date and needs to be replaced. It was noted that there is a manned presence on site 24hrs. However, the site ID board must be kept up to date as it should contain a 24hr emergency contact number. In the event of an incident, this information can assist the emergency response.

Condition 4.2.2 of the Environmental Permit was breached (Category 4 – No Impact) (Ref: D1)

To be compliant with this condition the ID board must contain the following information: site name and address, licence holder name, operator name, licence number, emergency contact number, confirmation of licencing by Natural Resources Wales, Natural Resources Wales incident hotline number, days and hours site is open to receive waste.

It was noted that new gates have been purchased and are due to be installed. As arson presents a risk of fire, it is suggested that a review of the site security is undertaken, especially within relation to unauthorised access.

Leaks & Spillages

At the time of the inspection the area in which the baler was there was evidence of a large spillage/leak of oil. When officers enquired, it was suggested that the cause of the spillage/leak was because of a hydraulic failure on the baler in the previous week. All spillages and leaks must be cleared up immediately. This is more important given the lack of sealed drainage system.

Condition 5.1.4 of the Environmental Permit was breached (Category 3 – Minor) (Ref: D2)

Condition 5.1.4 refers to Table 5.1, which outline procedures for dealing with leaks and spillages of polluting materials. In the event of a spillage/leak such this, it must be dealt with immediately, with absorbant materials being placed in containers after use. This spillage/leak was large and present in the area of the baler. This has the potential to contaminate land. However, it is noted that materials had been laid to absorb this leak, and this area benefits from an impermeable surface.

Generally, there was a lot of oil and signs of leaks and spillages on site.

Records Management

Following the inspection of the site, officers requested copies of records and documents that must be kept by the operator in order to ensure compliance with the Environmental Permit. Representatives of Ammanford Recycling Limited were unable to produce a copy of the Environmental Permit when requested.

A copy of the site diary was requested and provided. The site diary provided contained a checklist of items related to the operation of the site. Whereas it is good practice to keep such records, the site diary was lacking important information. The checklist provided also evidenced that the Environmental Permit was not being complied with. As an example, under the checklist item related to the site entrance and ID board, the checklist showed this as compliant. However, this item is not compliant with the Environmental Permit.

Other information missing from the site diary included maintenance checks, incidents and actions taken (including leakages/spills), records of complaints, and training records.

Condition 6.2.1 of the Environmental Permit was breached (Category 3 – Minor) (Ref: G2)

You must keep a site diary to record information regarding operations. These records can help prevent incidents and issues from arising. Your site diary must contain records of the following information:

- Construction work taking place/planned
- Maintenance work undertaken
- Breakdown of plant/equipment
- Emergencies
- Problems with waste received & actions taken (e.g. rejected loads/quarantined)
- TCM attendance on site
- Complaints about site and actions taken

- Environmental problems and remedial actions

Officers requested to see a copy of your Environmental Permit, to ensure a copy was being kept on site. A copy of the Environmental Permit could not be provided. The Environmental Permit, and conditions contained within the permit, are central to operations and compliance.

It is recommended that a full review of your Environmental Permit is undertaken, and that in-house training is organised with staff on site to raise awareness of the permit, and staff responsibilities in relation to compliance with the permit.

-

Technical Competent Persons

Following our inspection certificates and other records were provided regarding the qualifications held by technically competent persons on site. Officers have liaised with the organisation that delivers the training and certifies technically competent persons. Records indicate that staff on site do not hold the required qualifications to operate an End-of-Life Vehicle depollution operation.

Records indicate that, whereas technical competent persons on site hold qualifications in Small Scale Operations (WAMITAB Level 4 Diploma in Systems and Operations Management), and various other waste management and recycling activities (Transfer of Non-Hazardous Waste etc.), technical competent persons do not hold the specific qualifications that cover the depollution of End-of-Life Vehicles. It is acknowledged that staff are registered onto this scheme.

Condition 2.3.1 of the Environmental Permit was breached (Category 3 – Minor) (Ref: C1)

This condition states that you will provide evidence of fit and proper persons who act as technical competent managers on site. You must ensure that technically competent managers/staff on site have the correct qualifications to undertake the activities listed in the Environmental Permit. There are several areas of non-compliance in this permitted operation. It is essential that staff have the correct qualifications to ensure all areas of permitted activity become compliant.

Environment Management System & Fire Prevention and Mitigation Plan

Prior to the inspection, a review of the Fire Prevention and Mitigation Plan (FPMP) was undertaken. This FPMP was not compliant with relevant guidance. However, it is noted that prior to the inspection on 7th December, a new Environment Management System (EMS) and FPMP were submitted on 3rd December 2020. It was accepted on site that these documents are now the 'live' documents for the site and have superseded previous versions. Natural Resources Wales will now review these documents and provide feedback.

Request for Information

The following documents have been requested:

- Copies of engineering plans for infrastructure & drainage works (including completion dates)
- Evidence that these drains and chambers are currently sealed
- Consignment notes for site surface water that has been tankered away from site (January to December 2020)
- Infrastructure works plan (timescales for completion)
- Confirmation of capacity of concrete bund area where IBC's are stored

Please provide this information in writing, or via email, by Friday 29th January 2021.

Waste Returns

Following the inspection officers reviewed your Waste Returns information. The Waste Return data for 2019 was reviewed (observed on 11/12/2020). This data states that 4,154.12 tonnes of End-of-Life Vehicles were received on site in 2019. This is in gross exceedance of the 2,500 tonnes limit that is permitted to be received under the Environmental Permit on an annual basis.

Also, End-of-Life Vehicles received are listed in your waste returns with the EWC code of 16 01 04. Undepolluted vehicles must be coded as 16 01 04* as they contain hazardous materials.

In 2019 you received almost double the volume of End-of-Life Vehicles that you are permitted to accept.

Condition 2.1.1 of the Environmental Permit was breached (Category 2 – Significant) (Ref: C3)

Table 2.1 states that the annual throughput of the site shall not exceed 2,500 tonnes. You must either reduce the number of End-of-Life Vehicles you accept at site or pursue a variation of the Environmental Permit to increase volume allowed on site.

Summary

During the inspection, several non-compliances with permit were recorded. The operation does not have the required infrastructure and is accepting almost double the volume of waste permitted under the Environmental Permit (based on annual waste returns data 2019). Staff on site do not have the qualifications required to treat End-of-Life Vehicles.

Natural Resources Wales is now considering taking enforcement action against you for the non-compliances recorded during this inspection. Natural Resources Wales is also considering issuing a Regulation 36 Notice, enforcing compliance with the Environmental Permit.

Due to the number of non-compliances, and their nature, Natural Resources Wales officers will likely undertake a follow up inspection of the site early next year. We will contact you prior any proposed inspection.

Thank you for your time during the visit.

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.