

Compliance Assessment Report CAR_NRW0038484

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: Routine.

On 05/07/2021 between 12:00 and 13:00.

Parts of permit assessed: Materials acceptance & management of waste

NRW Lead Officer: Sally Wakeford.

Report sent to: Adrian Stewart, TCM on 22/07/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C3 - General Management - Materials acceptance	C2 Significant	2.2.1(a) and (b)
C4 - General Management - Storage, handling labelling and Segregation	C2 Significant	1.1.1(A) and 3.1.2 (a) & (b)
C2 - General Management - Management system and operating procedures	C2 Significant	3.1.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.2.2

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

Total number of non-compliances recorded	Total non-compliance score
4	97

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
C3	Remove highly contaminated waste from the site within 3 weeks from date of this inspection. Provide information on the incoming loads of wastes which made up this stockpile to the rear of the site, include Duty of Care notes, waste acceptance procedures were being followed, etc.	26/07/2021
C4	Remove wastes which are not stored in compliance with the PMP storage plan within 3 weeks from date of this inspection.	26/07/2021
C2	Submit an updated Pest Management Plan to reflect activities on site and mitigate effects of the activities on the	09/08/2021

Criteria	Action needed	Complete by
	environment within one month of this inspection report.	
G4	Submit waste returns for 2020.	09/08/2021

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

An inspection was carried out at AMG Resources Ltd permitted facility, permit number EPR/BB3793ND, on 05/07/2021 by Sally Wakeford (NRW) and Robert Williams (Carmarthenshire Council Environmental Health).

Robert Williams provided information to NRW that several complaints had been made in the area of increased fly activity had been received by the Local Authority. A site visit to AMG was undertaken by Environmental Health on Friday 02 July. This inspection was a follow up visit to ensure actions had been taken to reduce fly activity on site.

Officers were accompanied on site by Martin who was managing the site at the time of the inspection, and later joined by Mark from South Wales Pest Experts who had recently been on site 3 times per week conducting fly spraying.

There was significant increase in fly activity since the previous inspection on 26 May 2021.

C3 – Materials Acceptance – Permit Condition 2.2.1 (a) and (b) – CAT 2

You have been given a Category 2 breach of the above permit condition as during the inspection it was identified that metal packaging waste on site showed high levels of contamination of plastics, and could not be described as solely metal packaging wastes.

Due to the contamination in the waste it requires baling with other less contaminated waste to be able to be removed from site and meet the demands of the onward recovery site.

As this waste is contaminated with non-metal wastes it will remain on site far longer than detailed in the PMP (10 days). It was estimated it will take a further 3 weeks to remove from site, providing ideal breeding ground for flies and increasing the risk of fly activity.

ACTION: Remove highly contaminated waste from the site within 3 weeks from date of this inspection.

ACTION: Provide information on the incoming loads of wastes which made up this stockpile to the rear of the site, include Duty of Care notes, waste acceptance

procedures were being followed, etc.



C4 – Storage, Handling, Labelling and Segregation – Permit Condition 1.1.1 (a) and 3.1.2 (a) & (b) – CAT 2

You have been given a Category 2 breach of the above permit condition as during the inspection it was noted that packaging wastes, namely cans, are not being stored in compliance with the Pest Management Plan and Environment Management System

(provided on 07 July 2021 following the inspection). Waste cans should be stored in baled format until such time as they are to be processed. The Pest Management Plan states baled wastes imported to the site should be stored in stacks of 250 tonne in summer months.

Unbaled wastes were being stored in one large stack of approximately 1,600 tonnes. The stack was at a height where it was impossible for the insecticide spray to reach. Unbaled can waste stockpiles do not feature on the PMP or EMS.

ACTION: Remove wastes which are not stored in compliance with the PMP storage plan within 3 weeks from date of this inspection.



C2 – Management Systems – Permit Condition 3.1.2 – CAT 2

You have been given at Category 2 breach of the above permit condition as during the compliance assessment it was determined that written management procedures are inadequate to ensure full compliance with permit conditions.

Procedures which are in place in the Pest Management Plan (PMP) are not being properly implemented. Waste was not being stored in the manner documented in the Pest Management Plan and Environment Management System.

Stock rotation, detailed in the PMP, was not evident during the inspection. It could not be confirmed how long the waste had been on site for, and there was no clear rotation of stacks.

A copy of the EMS was requested on the previous CAR form CAR_NRW0038367 and provided on 07 July 2021, after this inspection.

ACTION: Submit an updated Pest Management Plan to reflect activities on site and mitigate effects of the activities on the environment within one month of this inspection report.

Separate comments on the PMP and EMS that NRW currently have on file will be provided.

It is noted that the PMP and EMS plans for storage of waste are different for the summer months. NRW will refer to the PMP Plan when assessing compliance when pests are visibly present on the waste.

G4 – Monitoring and Records, Maintenance and Reporting – Permit Condition 4.2.2 – CAT 3.

You have been given a Category 3 breach of the above permit condition as it has been noted that although scored in the previous CAR form for not submitting the annual waste returns from 2020, they have yet to be submitted.

ACTION: Submit waste returns for 2020.

NRW will consider its enforcement action regarding failure to submit the waste returns, and supply them on request.

Observations:

Waste off site:

During the inspection it was noted that waste had escaped the pad and the permitted area, namely cans to the rear overtopping the wall at the rear of the site. This has effectively been deposited on the installations permitted site.

Waste had also been removed from the permitted area and stored on an area which was not within the permit boundary. Site personnel stated this had been removed due to baler installation from the site and would be returned.

It appeared that waste had also been burned off the permitted area, close to where the baler is being installed. There were fragments of partially burned rubber around and in the hardstanding.

The deposits and burning were undertaken on the area of the site covered by the installations permit EPR/BM2381IQ, although appeared directly associated with the

permitted waste activities rather than the installation.

The Regulating Officer who regulates this installation permit will be notified of this waste at the site, for consideration against the permit and its conditions.



Fly monitoring

Thank you for the submission of the fly monitoring data from May and June 2021.

It could be seen that from early June there was a significant increase in the fly activity on site and the numbers of flies captured on the papers over the week. However, it was noted during the inspection that the fly monitoring boards had mostly lost their fly papers. This will make data collected under the PMP unreliable.

ACTION: Continue to provide NRW with the monitoring data as it is collected and documented.

Fly activity

Due to the severity of the fly activity on site, and perceived impact on the local sensitive receptors, it was requested by Robert Williams that until the older waste is removed from site it is sprayed daily. Disturbing the waste following the application of insecticide can reduce the effects so following the removal of some of the waste for processing to minimise the effects the disturbance of the waste has on the surrounding receptors.

Summary

High levels of contamination of unbaled can waste and time taken to process the waste is likely to be contributing to the fly activity on site and that in the local area. The speed at which the site can process the contaminated waste means it will be on site longer than that stated in the Pest Management Plan (target 10 days).

You must ensure that waste is stored in line with the Environment Management System and Pest Management Plan, waste does not remain on site for longer than 10 days and ensure the pest management measures in place correspond to the fly activity noted in the fly monitoring and actioned accordingly.

Summary of Actions:

Remove highly contaminated waste which are not stored in compliance with your PMP storage plan from the site within 3 weeks from date of this inspection.

Provide information on the incoming loads of wastes which made up this stockpile to the rear of the site, include Duty of Care notes, waste acceptance procedures were being followed, etc.

Submit an updated Pest Management Plan to reflect activities on site and mitigate effects of the activities on the environment within one month of this inspection report. – comments on previous PMP will be provided by NRW.

Submit waste returns for 2020.

Continue to provide NRW with the monitoring data as it is collected and documented, ongoing action.

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.