

Compliance Assessment Report CAR_NRW0038531

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 09/07/2021 between 14:00 and 15:00.

Parts of permit assessed: Fly Activity

NRW Lead Officer: Sally Wakeford.

Report sent to: Adrian Stewart, TCM on 23/07/2021.

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 | Ongoing (O) | 2.2.1(a) & (b) |
| C4 - General Management - Storage, handling labelling and Segregation | Ongoing (O) | 1.1.1(a) and 3.1.2(a) & (b) |
| C2 - General Management - Management system and operating procedures | Ongoing (O) | 3.1.2 |

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

| Total number of non-compliances recorded | Total non-compliance score |
|--|----------------------------|
| 0 | 0 |

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. | 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 environment within one month of this inspection report. | 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.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

An inspection was carried out at AMG Resources Ltd permitted facility, permit number EPR/BB3793ND, on 09/07/2021 by Sally Wakeford (NRW) and Robert Williams (Carmarthenshire Council Environmental Health).

This was a follow up visit from that of the 05 July to check on progress to remove the waste and fly activity.

The very top of the large pile had been reduced in size, and the fly spraying is now able to reach the top, so fly management is more effective.

Mark is continuing to spray daily to ensure that the flies are kept under control. Fruit fly now appear to be the main fly on site, as evidenced in the fly monitoring sheets up on site.

Adrian Stewart described how a mistake had been made to break open the bales, as TATA has asked to reign back on the oversized scrap, so the bales were broken open ready for processing.

The site is currently recruiting a new COTC holder, and a further member of staff is going through the competence training, so there will be 3 COTC holders on site.

The fly activity had reduced on site, with some small pockets of higher numbers.

Mark described how he cannot treat with insecticide on suspicion, that he has to see a visible increase in the fly numbers to be able to treat the waste stockpiles. The incoming waste and management of the stockpiles including the rotation of stock will be vitally important to manage the fly activity on site.

Robert Williams asked out contingency plans, but there was no firm response to his question. You must ensure you have contingency plans for any breakdowns of equipment and loss or disruption to outlets.

Discussions were had with Adrian Stewart and Ben Rees regarding the drainage on site. The company is looking into its options regarding discharge to ground, including using a package treatment plant and interceptors. They are currently investigating whether the ground can take the discharge, sampling of the discharge has already been completed. It was stated the discharge was similar to that of a Weak landfill leachate.

The permitted area was also discussed, and a permit application has since been received by NRW to extend the boundary.

C3 – Materials Acceptance – Permit Condition 2.2.1 (a) and (b) – Ongoing non-compliance - not scored.

You had 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. This non-compliance has been marked as ongoing as the waste remains on site.

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 by 26 July 2021

C4 – Storage, Handling, Labelling and Segregation – Permit Condition 1.1.1 (a) and 3.1.2 (a) & (b) – Ongoing non-compliance - not scored.

You had previously 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). The waste continued to be stored in the same manner, but this visit was within the time frame for its removal, so the non-compliance has been marked as ongoing.

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 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 by 26 July 2021

C2 – Management Systems – Permit Condition 3.1.2 – Ongoing non-compliance - not scored.

You had previously been given a 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.

ACTION: Submit an updated Pest Management Plan to reflect activities on site and mitigate effects of the activities on the environment by 09 August 2021

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.