

Compliance Assessment Report CAR_NRW0038841

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 2107701).

On 06/10/2021 between 10:45 and 12:30.

Parts of permit assessed: Noise, PMP

NRW Lead Officer: Sally Wakeford, accompanied by Alys Jones.

Report sent to: Adrian Stewart, TCM on 18/10/2021.

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	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
C2	Update PMP to reflect operations of site and minimise pollution to local environment.	31/01/2022

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

A site inspection was undertaken on 06 October 2021 at AMG Resources by Sally Wakeford, Alys Jones and Ruth Thomas from Carmarthenshire County Council (CCC). We

were accompanied on site by Adrian Stewart and Mark from South Wales Pest Experts.

Operating Hours

Although there are no operating hours defined by Planning, you informed us your typical hours of operation are 6-2 and 2-10 shifts during the summer months, and 6-6 in winter (typically October to March).

Noise Complaints

Ruth Thomas requested NRW attend at AMG alongside CCC as they had received some noise complaints regarding the site in the month prior. The inspection was so Ruth could understand the processes on site, and the level and types of noise from the operations.

I have since heard from CCC that the complainants have reported an improvement in the level of noise they believe to be arising from AMG and no longer want to pursue to complaint at this time. CCC have closed their investigation. Therefore, NRW will take no further action at this time regarding noise levels from the site.

Fly Complaints

Around the 21st September there some fly complaints received by the council, and the site was visited by Rob Williams of CCC on Wednesday 22nd and Thursday 23rd. Rob reports that there was a pile of waste which was infested with flies, and the site was to process the material immediately, and the area was treated by the pest controller. The spray frequency had been reduced to test if they could spray less often, as they AMG were expecting the fly number to have reduced naturally.

However, on-site monitoring had shown the reduction in treatments resulted in an increase in fly activity on site and tied in with the recent complaints received by CCC.

NRW were not informed until the week after that this had occurred.

During the inspection on 06 October fly spraying was continuing to be undertaken 3x per week.

Monitoring:

Some of the fly monitoring boards were inspected. There was a noticeable reduction in the fruit fly on the boards from my previous inspection.

It was noted that the hedges around the site may not be providing accurate information of the fly population from the waste. The boards located close to the hedges showed some different species of fly compared to those closer to the waste. The hedges were noted as flies being present on the plants within it.

It may be worth noting the type of fly identified on the boards, especially in these areas, as they may skew the results of the monitoring from just viewing the raw data.

Offtake

At the time of the inspection, Celsa steel mill in Cardiff was closed (due to energy increase

costs) and Tata had also shutdown. There was a stockpile of waste on site awaiting these sites to be reopened. The site does have the contingency of exporting the waste to Scunthorpe, including 1,000 tonnes in the next day or so following the inspection. Waste can also be exported abroad as a green list waste.

The site is currently not considering stopping imports to the site as there is a backlog in the waste stream and the producing sites require the removal of the cans.

A large number of bales were being stored off the permitted area on impermeable pads which I was informed have sealed drainage. These are being stored on an area I was informed was covered by a T9 exemption. Please note that you can store up to 1,000 tonnes under this exemption. Please ensure this limit is adhered to. These bales are also being fly sprayed at the same frequency as the rest of the waste.

Pest Management Plan

Following an inspection on 05 July 2021, AMG were scored a Category 2 breach of permit condition 3.1.2 as during the compliance assessment it was determined that the written management procedures were inadequate to ensure full compliance with permit conditions. AMG were required to submit to NRW their updated Pest Management Plan to reflect the activities which had changed on site, and mitigate effects of the activities on the environment. On 14 July 2021 AMG were provided with comments from NRW on the original version of the PMP to assist with this update.

On 1 October 2021 NRW were provided with an updated Pest Management Plan.

Following a review of this updated PMP, it is noted that sections of the previous PMP have been removed, including those which provided some detail into the management of the site to prevent the release of pests. These sections have not been replaced with adequate information or mitigation factors to replace the deletions. None of the comments provided by NRW on 17 July on the previous PMP appeared to have been considered.

As you are required to have a PMP under permit condition 3.1.2, you must have consideration for “appropriate measures”. More information can be found in guidance documentation from the Environment Agency (Fly Management) which has already been used in consideration of writing your PMPs.

The site has had a number of issues over the summer period of 2021 as recorded on the CAR forms and with action taken by the local authority, where the fly activity from the site was considered, by CCC Environmental Health, to be affecting the surrounding local population.

These issues have been identified as being caused by waste being on site longer than the 10 days stipulated, missed fly sprays and highly contaminated wastes on site. Once these wastes were dealt with, and there was an increased and focussed spraying of insecticide, fly complaints in the area were no longer being recorded.

NRW do not consider this updated PMP to be adequate to meet with the requirements of the action noted in the CAR form from July. This updated PMP does not address the concerns of the regulating officers, and does not reduce the risk of the site to the local

population.

NRW do not accept this PMP as it stands.

ACTION: Update Pest Management Plan to reduce the risk of the activities the site poses to the local environment, by documenting all procedures currently in practice at the site.

Unless otherwise agreed in writing, provide this to NRW by 31 January 2022 (approx. 3 months).

This breach identified in July has therefore been marked again on this CAR form as ongoing. This will not count towards your compliance rating, however tracks the action required.

Comments:

Comment can be found below on various sections of the new PMP, you must also take into consideration previous comments sent in July.

- 2.2 Site layout – Issues have arisen through waste stack heights being too high and fly spraying being unable to reach the top. Therefore, consideration of stack sizes must be included in this section.
- 2.3 Stack management has been completely removed from the PMP. Please provide information on how you will manage the stacks at the site, including duration on of waste on site, stack size, stack rotation, management of the stacks to prevent excessive heating, reducing residency times.
- 4.1 Surrounding areas and Sensitive receptors. Awareness of sensitive receptors demonstrated, however impact of flies on different receptors will be different, e.g. social club vs hospital vs school vs homeowner would all be different., Assessment is needed on each sensitive receptor.
- 5.2 Pre-acceptance checks section no longer provides any information on pre-acceptance checks that are being undertaken or required by the suppliers of the cans.
- 5.3 Waste acceptance – although consideration has been given to processing waste quickly, there is mention of pre-acceptance checks, however in the paragraph above none are specified.
- 5.3.1 Out of spec material. It was noted in the previous version that “The immediate removal of fly infested waste from the site is an appropriate measure.” As this document is based on the EA Guidance for Fly Management removing this removal is going against the appropriate measures noted within this document. A definitive time for off spec material to be stored should be included.
- 5.4 Waste storage: How are you tracking the sequential use of waste storage? This is not documented. Proactive checks have been removed.
- 5.5 Housekeeping. What is the routine? It is mentioned for overspill routinely cleared, is this documented? How often is it inspected?
- 6.1 Weather conditions – no mention of logging this in relation to complaints about fly activity. Been removed from previous PMP.
- 6.2 Fly counting. Although noted in the plan the fly monitoring boards positioned around the surrounding area have been removed from the content of the document.

This section has not been reviews in comparison to the fly count data completed over the past year. This should be included.

- 6.2.1 Data Interpretation – AMG should review the figure of 50 houseflies per paper per week in accordance with the figures from the previous year of monitoring. Indications from the fly monitoring and discussions with your Pest Expert show that the figure of 50 is too high, as the surrounding areas were being affected by fly activity when levels were lower on site. This number should be informed by your fly monitoring and also by on site observations. More data will be required to inform your decision.
- Table 6-1 Step 5. Details of mitigation measures have been removed.
- 6.9 Notifying sensitive receptors - It is noted that AMG will no longer consider notifying sensitive receptors should there be an issue on site with pests as this section has been removed.
- 7 Mitigation. It is stated in the PMP that insecticide spraying is seen as a last resort. Through the summer of 2021 spraying was required 3 times per day to “hold the line” Therefore further measures on site should be considered to reduce the risk to be able to reduce the use of insecticide.
- 7.1.2 consideration of spraying times has been removed.

It is noted, and confirmed by Mark from South Wales Pest Experts, that spraying 3 times per week “held the line” over the summer period this year.

However, during exceptional times, it required spraying at even greater rates than this. Exceptional times being, for example, during baler breakdowns, when exports are limited and when highly contaminated waste is present on site.

High frequency of spraying should be considered as a last resort and not necessarily as having met “appropriate measures”. Other methods should be employed prior to resorting to spraying, such as ensuring the waste is treated before arriving on site, not accepting wastes which are infested, etc, would be considered more appropriate.

A full assessment of appropriate measures should be carried out.

END

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.