

Compliance Assessment Report CAR_NRW0039690

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: Report/Data Review, Reason: Other.

On 07/04/2022.

Parts of permit assessed: PMP Review

NRW Lead Officer: Sally Wakeford.

Report sent to: Adrian Stewart, TCM on 08/04/2022.

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	Action only (X)	

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	Further clarification on some points of the PMP are required. See details of CAR form.	06/05/2022

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

Pest Management Plan (PMP) version March 22 was provided to NRW following the serving of a Regulation 36 Notice. The Notice was served to ensure you had a Pest Management Plan which met with appropriate measures as noted in the guidance "Fly

management: how to comply with your environmental permit”.

We have the following comments to make on the March 22 PMP.

	Details		Further Comments including Appropriate Measure wording (in italics). Highlighted red indicates not fully met.
PMP Section	Version March 22	Comments on March 22	
Site Layout	Sections combined	Sections combined.	Decrease in preventative measures by larger uncontrolled stockpiles on site. Does not meet appropriate measures, no proper waste handling and rations system in place.
Stack Management	Figure 3 shows 2 large stack areas.	Exemptions cannot be used in this manner. No T9 without treatment, no S2 for metal without being at a dock. Exemptions cannot be registered at an installation. Exemptions have been de-registered.	<i>Proper waste handling and rotation (A/B system of waste in one day and out the next, waste not stored for longer than 48 hours, waste treated). This is especially important during the warmer months.</i>
	Extra storage areas under exemptions.	Figure 3 shows reduction in stack numbers from 4 to 2, with an increase in stockpile size of waste to be baled. No mention of reducing these to smaller stacks during summer months. Lack of definitive wording.	
		No mention of waste stack sizes and heights – 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.	
Sensitive receptors - surrounding area		Lack of specific information on stock rotation. How many bales are split daily to minimise the number of open bales?	
		Some improvement in 4.1 through identification of some issues for sensitive receptors.	no direct AM
Pest Dispersal	2-3km from source,	No change from previous	no direct AM

Training	<p>nuisance 500m. High standards of pest control implemented</p> <p>Will ensure all relevant staff trained in key areas. Planning further training. Specialist company being used.</p>	<p>PMP</p> <p>Further training identified but not in place. Requires update to include details of toolbox talks and training certificates/ confirmation of course taken etc.</p>	<p>Appropriate measure not fully met - training not in place & documented</p> <p><i>Training staff in using fly spray, identifying flies, toolbox talks and understanding the importance of monitoring/recording fly infested loads.</i></p>
Pre-acceptance	<p>Review of suppliers pest management process. Understand source & production process. Pre-acceptance checklist for new customers. DRA on risks depending on time of year. Clauses in contracts to restrict, rejected if continuously problematic.</p>	<p>Details of clause – is it in contracts now? . Does not contain any details of pre-acceptance checks/monitoring/controls undertaken by suppliers.</p> <p>Possible rejection of continual problematic loads. No definitive wording. Have any wastes been rejected?</p>	<p>Appropriate measure is to reject/not accept loads which are problematic. Mentioned here about possibly rejecting continual problematic loads.</p> <p><i>Rejecting infested/problematic waste (what procedure is in place to ensure repeat problematic loads/known problematic waste streams are not accepted).</i></p>
Waste acceptance	<p>Check waste type and quantity at weighbridge.</p> <p>Presence of pests evaluated as bales unloaded.</p> <p>Bales showing signs of fly infestation placed in off-spec area. Inspected by management. Similar for loose cans.</p> <p>Infested bales - rejected or quarantined.</p>	<p>How is the compliance with completed Appendix 2 checklists recorded?</p> <p>How will fly activity be assessed for incoming loose loads? – mentions similar procedures, what procedures?</p> <p>“All personnel involved with waste acceptance and handling will be trained in identifying non-conforming waste and potential pest issues.” Training records? When is this training planned for?</p> <p>There is no mention of</p>	<p>Not fully met appropriate measure</p> <p>Appropriate Measure: <i>Carrying out waste acceptance checks (monitoring at weighbridge where possible, monitoring fly numbers in each load, recording heavily infested loads in fly contaminated load log sheet, treating loads and priority removal off site, not accepting fly infested loads from other waste sites). Where it's not always possible to monitor loads at the weighbridge, operators should monitor upon discharge.</i></p>

	<p>Fly presence - quarantined and sprayed or rebaled without putting to stock.</p> <p>AMG will keep and treat rather than refuse and move the problem elsewhere.</p>	<p>keeping records of any inspections of loads/bales quarantined.</p> <p>Rejecting waste is an appropriate measure. This has been seemingly rejected as it would move the problem elsewhere.</p> <p>No mention of monitoring and recording fly activity in loads.</p>	<p>Only consider rejection if continuously problematic loads.</p> <p><i>Rejecting infested/problematic waste (what procedure is in place to ensure repeat problematic loads/known problematic waste streams are not accepted).</i></p>
Out of Spec	<p>Out of spec/quarantine area on site. Manage using pesticides. Not undercover.</p>	<p>No mention priority removal off site. Definitive time of off spec material to be stored should be included. Should be kept separate throughout process including in stockpile after rebaling, and prioritised.</p>	<p>Appropriate Measure: <i>Carrying out waste acceptance checks (monitoring at weighbridge where possible, monitoring fly numbers in each load, recording heavily infested loads in fly contaminated load log sheet, treating loads and priority removal off site, not accepting fly infested loads from other waste sites). Where it's not always possible to monitor loads at the weighbridge, operators should monitor upon discharge.</i></p>
Waste Storage	<p>Target of 10 days for temporary storage. Stock rotation and remove oldest waste from storage first.</p> <p>Will aim to match incoming feedstock to outgoing. Avoid build up of wastes.</p>	<p>Terminology not definitive enough. Definitive time for waste to not be stored over a certain length of time required.</p> <p>No stock rotation plan included.</p>	<p>Appropriate Measure not met as not discussed in detail:</p> <p><i>Proper waste handling and rotation (A/B system of waste in one day and out the next, waste not stored for longer than 48 hours, waste treated). This is especially important during the warmer months.</i></p>

<p>Housekeeping a comprehensive cleaning schedule will be implemented</p> <p>daily walk-over identifying suitable habitat. e.g. loose tipped tins outside of the stocking areas, pooled surfaced water.</p> <p>the findings will not be documented but will prompt action.</p> <p>Dry sweeping and litter collection daily. aim for no residual biodegradable material exposed.</p> <p>Overspill of kerbs collected when observed.</p> <p>Ponding investigated. - drainage maintenance.</p>	<p>Improvement on housekeeping measures included in PMP.</p> <p>Push walls not identified.</p> <p>Daily walkover.</p> <p>Drainage - understood to be no drainage and water is tankered away? Regularity of this? Always been ponding on site on site inspections.</p>	<p>Appropriate Measure: <i>Ensuring that waste doesn't accumulate in inaccessible areas such as behind push walls, under plant or in corners. Any such waste should be removed daily, especially during the summer. Operators should also maintain good housekeeping, including cleaning down and disinfecting, regularly removing leachate and maintaining drainage systems.</i></p>
<p>Weather conditions</p>	<p>Monitoring weather conditions, aware of forecasts.</p> <p>Capture of site weather data. No mention of how this is recorded, other than checking source of daily data.</p>	<p>Improvement on previous PMP.</p>
<p>Fly counting</p> <p>ADAS recommendations, Yellow adhesive fly cards located around and within outdoor storage areas. Inspected and replaced twice a week during May to end Sept - documented.</p>	<p>depending on reports/weather, it may be required to start twice weekly from April.</p>	<p>PMP appears to cover this</p> <p>Appropriate measure, although potential for improvements/firmer methodology in pupae monitoring could be undertaken after the trial period:</p> <p><i>Monitoring adult fly numbers twice-a-week during April-</i></p>

	Continue throughout the year to record baseline.		<i>Oct using an appropriate technique, such as resting counts in squares marked out on internal walls.</i>
Emission levels/Data Interpretation	Findings from monitoring discussed. Reports have correlated with 30-40 flies on site boards. 30 flies per paper per week close to the storage area used as an initial early warning signal and to carefully inspect. Subject to review.	Reduction in trigger level.	Improvement on trigger level after consideration of monitoring.
Routine Specialist site inspection	Contracted pest control attend weekly, end April to beginning October. Available 24/7. Inspection and record. Recommendations will be followed.	No change from previous PMP	no direct AM
Reactive monitoring	Monthly in winter. 24 hour response time following report of fly issue.	No change from previous PMP	no direct AM
Rodents	Weekly inspections at dawn or dusk.	No change from previous PMP	no direct AM
Seagulls	Daily observations	No change from previous PMP	no direct AM
Complaints	Logged and	No change from previous	no direct AM

Contingency Action Plans	<p>documented Promptly investigated. Record actions, appropriate action taken</p> <p>Implementation of mitigation measures within 72 hours. Implementation measures included reducing/ceasing operations, disposing of problematic bales, use of insecticide.</p>	<p>PMP</p> <p>Contingencies should include identified alternative outlets.</p>	<p>Not meeting appropriate measure: <i>Aiming to ensure contingencies are in place if the main nominated disposal point is unavailable e.g. technical problem at waste to energy site or high winds closing landfill.</i> <i>Contingencies should include identifying alternative outlets.</i></p>
Receptor Notification	<p>Liaise with LA/NRW re notification of sensitive receptors.</p>	<p>Readded. No trigger level identified.</p>	<p>no direct AM</p>
Mitigation	<p>Review of incident and procedures and contracts.</p>	<p>No information in this section.</p>	
Flies	<p>Main defence will always be to ensure rapid turnaround of high quality waste feedstocks. Experience shows little option but to apply insecticide.</p>	<p>No consideration of spraying times included.</p>	<p>no direct AM</p>
Capture	<p>Fly bags</p>	<p>No change from previous PMP</p>	<p>other options such as biological or electronic traps etc not suitable for outdoor environment or waste types.</p>
Treatment	<p>Tops of stacks sprayed with a cherry picker if necessary. Limited risk to environment due to free air around the waste stacks.</p>	<p>Check on insecticide used. Still showing as Ficam-W, previously stated that SDS was being used. Update PMP if required.</p>	<p>no direct AM</p>

<p>Rodents Reduction in waste transfer</p>	<p>poison baits/traps AMG can significantly reduce or cease operations until pest problems resolved</p> <p>stopping influx can pass the problem on elsewhere.</p>	<p>no change no change. Lack of definitive wording.</p>	<p>no direct AM Does not fully meet appropriate measure, no details in place, or commitment to reduce operations due to lack of definitive working.</p> <p><i>Rejecting infested/problematic waste (what procedure is in place to ensure repeat problematic loads/known problematic waste streams are not accepted).</i></p>
<p>Management Plan Review</p>	<p>A key element of the review will be to ensure that the following appropriate measures continue to be implemented:</p> <ul style="list-style-type: none"> · Rigorous rapid turn-around of waste · Ensure key site staff are trained in fly management · Ensure any external pest contractor used is appropriately qualified in accordance with guidance · Locate yellow adhesive fly cards close to waste, in areas preferred by flies. Replace cards weekly, identify and count flies, and keep records. Use counts to guide the treatment regime. · Ensure that designated waste turn-around time (<10 days) is achieved. 	<p>Summary of appropriate measures, but still lacking definitive wording.</p> <p>States ensuring the 10 day turn around on waste is achieved. (better definitive wording and accountability)</p>	

- Avoid backlogs and stockpiles of waste containing residual putrescible waste.
- Quickly removing / treating obviously fly-infested waste
- Carry out daily cleaning to remove waste outside stockpiles and from within corners
- Monitor adult fly numbers twice-a-week during April-October using the established monitoring network
- Carrying out waste acceptance checks

Whilst we consider the PMP provided is an improvement on the version submitted in September 21, we require further clarification on some points of the PMP, notably the commitment to appropriate measures. The language currently used in describing appropriate measures is vague and needs to be changed. An example of this would be the use of terms such as “the target is for waste to be in temporary

storage for less than 10 days” and “AMG can significantly reduce or cease operations until pest problems resolved”.

NRW consider that AMG has only provided sufficient detail on one of the appropriate measures, regarding fly monitoring, to consider this appropriate measure to be met within your PMP.

The remainder of the appropriate measures have not been met. Further work on these measures will be required by AMG if a fly infestation and pest problem in the local area, linked to the site, persists during the coming summer months.

If AMG are not willing to undertake further, more definitive, measures to ensure the appropriate measures within the guidance are met, NRW will be required to consider issuing a notice to secure compliance and ensure the risk of any fly infestation is appropriately mitigated.

An action only requirement has been marked against criteria C2 (Management Systems & Operating Procedures) - as noted in the sections above, to provide NRW with further clarification on parts of the PMP where wording is not definitive, as noted in the table above.

END

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.