

Compliance Assessment Report CAR_NRW0040260

Permit being assessed: NP3894FK.

For: Point Of Ayr Treatment Facility, held by Delyn Metals Ltd

At: Ffynngroew, Flintshire, CH8 9UU.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 02/08/2022 between 11:40 and 12:10.

Parts of permit assessed: site security, waste acceptance, waste returns, WAMITAB accreditation, Storage, handling labelling and Segregation, site infrastructure

NRW Lead Officer: Boguslawa Pierzchala, accompanied by Amy Henderson.

Report sent to: Stuart Butterworth, Manager/TCM on 15/08/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	Condition 7.2.2 of your permit requires you to submit within one month of the end of each quarter, a summary of waste quantities and types accepted on to and removed from site for that quarter. P
A1 - Specified by permit	Action only (X)	
C3 - General Management - Materials acceptance	C3 Minor	Appendix A Permitted waste (condition 1.2.1).
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	Condition 1.1.1 of your permit requires you to store WEEE, spare parts, components, or residues on impermeable surface with sealed drainage with provision of spillage collection facilities and, where appropriate, decanters and cleansers degreasers. They are also to be stored in areas provided with a

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		weatherproof covering where appropriate or in containers providing a weatherproof covering where appropriate. Fire extinguishers were being stored with other metals on site, This waste type (16-05-05 Gases in pressurised containers) is not on the list of wastes that can be accepted on site.
D1 - Incident Management - Site security	Action only (X)	
A1 - Specified by permit	Action only (X)	
C4 - General Management - Storage, handling labelling and Segregation	Action only (X)	
C4 - General Management - Storage, handling labelling and Segregation	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
3	8.1

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
C1	Please provide your current WAMITAB certificate by no later than the 19th of August 2022	19/08/2022
G4	<ol style="list-style-type: none"> 1. Please clarify if the numbers provided are a true reflection of what waste was received and removed from site. 2. Re submit fully completed waste returns to include a detailed description of waste and tonnage. 3. Please mark "facility type" as A20 4. Please submit the missing waste returns. <p>Please comply by no later than 31st of August 2022</p>	31/08/2022
A1	Please update your Working Plan and submit for assessment by the 15th of November 2022	15/11/2022
C3	<p>Waste EWC 191203 is not permitted to be received on site; therefore it can not be accepted, stored or treated there.</p> <p>Should you wish to keep accepting these wastes you will need to vary your permit in order to do so, otherwise these wastes need to be removed from site.</p>	15/08/2022
C4	<p>Move WEEE to a more suitable area as per permit condition 1.1. Remove fire extinguishers and vary site permit to accept</p>	19/08/2022

Criteria	Action needed	Complete by
	this waste stream if you wish to accept them in future.	
D1	U9 exemption yard. Please repair the fence to ensure the waste is being stored securely within the yard. Please comply by the 13th of September 2022	13/09/2022
A1	Current site information board displays out of date information. Please update the board by the 13th of September 2022	13/09/2022
C4	During this inspection officers observed several off cuts still outside the yard's boundary. There was also a lot of debris next to the fence. Please ensure the off cuts are moved onto a secure area and the debris is removed from outside of the yard's boundaries	19/08/2022
C4	several waste containers, some with waste inside, were stored outside the site's boundaries. Please ensure all waste is stored on the permitted area. Please comply by the 31st of August 2022	31/08/2022

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

On Tuesday the 2nd of August 2022 waste regulation officers Boguslawa Pierzchala and Amy Henderson attended Delyn Metals, Point of Ayr Treatment Facility. This was an unannounced inspection.

The weather was fine and dry.

On approaching the site officers observed several waste containers, some with waste inside, stored outside the site's boundaries. Please see photos below.

Action: Please ensure all waste is stored on the permitted area. Please comply by the 31st of August 2022



area

Container with waste outside permitted



containers outside permitted area



Officers were met by Stuart Butterworth, site manager and TCM, and Marek Warda who accompanied the officers throughout the inspection.

The site became operational last year. Recently, a large area has been concreted to increase the site's impermeable storage surface.

Some improvements have been completed with more work planned for the coming months.

Whilst on site officers witnessed a delivery of waste panels which consist of metal cladding and insulation material. The officers also discussed fire hazard that shredding of the waste panels poses. Recently, an incident occurred at a waste management facility where the shredding of such waste caused a significant fire.

Mr Butterworth stated the waste panels were coded as EWC 191203.

A “19” code refers to wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified. This appears to be incorrect as the panels do not originate from a waste management facility.

An EWC code starting with ‘20’ would be more appropriate in this instance - municipal wastes (household and similar commercial, industrial and institutional wastes). The correct EWC code will have to be clarified with the waste producer.

The code is also not listed on the list of permitted waste as detailed on Appendix A Permitted waste (condition 1.2.1). This will subsequently be scored as a C3 breach against the relevant permit condition as the potential for an environmental incident from fire (and associated runoff) when shredding this non-permitted waste stream could be significant.

As this waste is not permitted to be received on site it can not be accepted, stored or treated.

Should you wish to keep accepting these wastes you will need to vary your permit in order to do so, otherwise these wastes need to be removed from site.



delivery of waste panels

At the moment there is no **Fire Prevention and Mitigation Plan (FPMP)** for the site.

With the site accepting more waste and also taking over from the Gwespyr site I would strongly encourage for a fire prevention and mitigation plan (FPMP) be created for the site.

Guidance and further information on how to write up a FPMP will be sent to the TCM separately.

Mr Butterworth had already arranged for a private company to attend and assess the site. The visit is scheduled to take place this week.

Please inform NRW in writing of the assessment results and actions planned.

Reporting and notification

Waste returns

Condition 7.2.2 of your permit requires you to submit within one month of the end of each quarter, a summary of waste quantities and types accepted on to and removed from site for that quarter.

Waste returns for 2022

Q1 and Q2 2022 have not been submitted.

Waste Returns for 2021

Q1- The total amount of waste received is 391960 tonnes, all three entries in the “waste received “ tab are described as “solid”. Total amount of waste removed is 366700.

Q2 – is missing

Q3 – Total amount is 392015 with a single entry in the “waste received” tab of 55 tonnes, EWC 200140 described as “Solid”

Q4 – total amount of waste received is 392005 with a single entry of 45 tonnes of EWC 200140 described as “Solid”

Action required:

1. Please clarify if the numbers provided are a true reflection of what waste was received and removed from site.
2. Re submit fully completed waste returns to include a detailed description of waste and tonnage.
3. Please mark “facility type” as A20
4. Please submit the missing waste returns.

Please comply by no later than 31st of August 2022

The missing waste returns will subsequently be scored against the relevant permit condition as a C4 breach.

WAMITAB

Wamitab has been discussed with Mr Butterworth who stated he had recently passed his test.

Action: Please provide your current WAMITAB certificate. Please comply by the 19th of August 2022

WEEE and fire extinguishers

During the inspection fire extinguishers and several WEEE were observed on site.

Condition 1.1.1 of your permit requires you to store WEEE, spare parts, components, or residues on impermeable surface with sealed drainage with provision of spillage collection facilities and, where appropriate, decanters and cleansers degreasers. They are also to be stored in areas provided with a weatherproof covering where appropriate or in containers providing a weatherproof covering where appropriate.

Please ensure all such items are stored appropriately and in accordance with your permit.

This issue has been raised with the site management on previous occasions and will subsequently be scored against relevant permit condition.



WEEE on site

Fire extinguishers were being stored with other metals on site, see photo below. This waste type (16-05-05 Gases in pressurised containers) is not on the list of wastes that can be accepted on site.

This is a similar breach of permit condition above so will be consolidated into a single C3 breach

Action: If you wish to keep accepting these wastes you will need to vary your permit in

order to do so, otherwise these wastes need to be removed from site immediately.



Fire extinguishers on site

Management system and operating procedures

Working Plan/Management System

There is a requirement under your permit to have a Working Plan. The working plan we have on file is dated July 2007. This working plan (or management system) would need to be updated as a priority. NRW provide guidance on our website on what information needs to be included in a management system.

Should you require help finding this guidance please let me know.

Action: Please update your Working Plan and submit for assessment by the 15th of November 2022

Storage of waste

The site is located adjacent to an area of land that has almost every environmental designation assigned to it, particular care will have to be taken to ensure that all waste brought onto site is fully contained and that there is no impact on the local environment (including from the drainage discharge point).

Please ensure the storage of waste is covered in detail within your Working Plan.

At the moment the wastes are stored in piles which appear stable; however, there is no clear segregation or bays to ensure the waste is not mixed.

Exemption area

The site benefits from a U9 waste exemption, **Exemption Ref:** NRW-WME063167 refers.

One of the conditions of the exemption is that the waste must be stored in a secure location at the place where the manufacturing is carried out.

During the inspections officers noted that the fence is in a poor state of repair and would require to be repaired to ensure the yard is secure. Please see photos below.



Damaged fence

This issue has been discussed with Mr Butterworth.

Action: Please repair the fence to ensure the waste is being stored securely within the yard. Please comply by the 13th of September 2022

Also, it was highlighted during the previous inspection that the off cuts need to be stored within the yard.

During this inspection officers observed several off cuts still outside the yard's boundary. There was also a lot of debris next to the fence. Please see photos below.



Debris on site



Debris and off cuts on site

Action: Please ensure the cut offs are moved onto a secure area and the debris is removed from outside of the yard's boundaries. Please comply by the 19th of August 2022.

Site Information Board

The current site board is out of date and contains inaccurate information.

Action: Please update and display the site information board at site entrance. Please comply by the 13th of September 2022

The below information needs to be included:

- Name of facility and address
- Name of environmental permit holder
- Telephone number of permit holder and site
- Emergency contact name and telephone number
- Hours of opening for receipt of wastes
- Natural Resources Wales Environmental Permit number
- Address of Natural Resources Wales
- Telephone number of Natural Resources Wales



Current site information board

Thank you for your time during the inspection, please find my contact details below.

Kind regards

Boguslawa Pierzchala

Waste regulation Officer (Waste Regulation Team)

Email: boguslawa.pierzchala@naturalresourceswales.gov.uk

Post: Natural Resources Wales, Chester Road, Buckley, Flintshire, CH7 3AJ

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

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.