

Compliance Assessment Report CAR_NRW0040589

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 21/10/2022 between 10:45 and 11:30.

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

NRW Lead Officer: Boguslawa Pierzchala, accompanied by Kathryn Bradshaw.

Report sent to: Marek Warda, manager on 28/10/2022.

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)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Ongoing (O)	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.
C4 - General Management - Storage, handling labelling and Segregation	Ongoing (O)	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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		weatherproof covering where appropriate.
D1 - Incident Management - Site security	Ongoing (O)	The waste must be stored in a secure location at the place where the manufacturing is carried out.
D2 - Incident Management - Accidents, emergency and incident planning	Action only (X)	
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	Please update your Working Plan and submit for assessment by the 15th of November 2022	15/11/2022
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. 5. Please clarify what waste had been accepted and discrepancies between what is being stored on site, removed and the waste returns data. 	14/11/2022
C4	Move WEEE to a more suitable area as per permit condition 1.1.	14/11/2022
D1	U9 exemption yard. Please repair the fence to ensure the waste is being stored securely within the yard. Please comply by the 21st of November 2022	21/11/2022
D2	Fire Prevention and Mitigation Plan: Please inform NRW in writing of the fire risk assessment results and actions planned	04/11/2022
C2	Please registered as a hazardous waste producer	14/11/2022

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 Friday the 21st of October 2022 waste regulation officers Boguslawa Pierzchala and Hazardous waste officer Kathryn Bradshaw attended Delyn Metals, Point of Ayr Treatment Facility. This was an unannounced routine inspection.

The weather was fine and dry with some strong winds.

Officers were met by Mr Warda, site manager, who accompanied the officers throughout the inspection. The site has been undergoing some major improvements for the last few months, mainly to increase impermeable storage areas.

Since the last inspection some waste has been removed, including the foam filling from the waste metal panels received on site.

There's been a delay in the operations due to mechanical failure of the main shredder which was due to be repaired last week.

Fire Prevention and Mitigation Plan (FPMP)

At the moment there is no Fire Prevention and Mitigation Plan (FPMP) for the site which was discussed with the site manager again.

After NRW's last inspection a private company attended the site and assessed the fire risk. Mr Warda was not in the possession of the findings and recommendations submitted by the company.

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

Please comply by the 4th of November 2022.

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 Q3 2022 have not been submitted.

Q2 states that only waste coded 160117 (non-ferrous metal) was received in that quarter. From what officers saw during this inspection the site had a number of ELVs and other waste stored on site which would not fall under the 160117 code. Please see photos below.

Also, 20.38 tonnes of lead batteries, 160601, were removed from the site in that quarter but, as mentioned above, only 160117 stated as waste received.



ELVs

stored on site



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.
5. Please clarify what waste had been accepted and discrepancies between what is being stored on site, removed and the waste returns data.

Please comply by no later than 14th of November 2022

WEEE and fire extinguishers

During the inspection 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.

Action: Please ensure all such items are stored appropriately and in accordance with your permit. Please comply by the 14th of November 2022

This issue has been raised with the site management on previous occasions and was scored against relevant permit condition during last inspection.

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

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.

The fence has been partially repaired. I understand that the remaining work will be completed as soon as possible and that the management is actively chasing up the contractors to finish the work

Action: Please repair the fence to ensure the waste is being stored securely within the yard. Please comply by the 21st of November 2022.



fencing

around the exemption area

Directly applicable legislation

Officers also discussed hazardous waste and the need for the site to be registered as a hazardous waste producer with the manager.

Action: Please register by the 14th of November 2022.

Please find the below details which you may find helpful to go through the process.

Dealing with Hazardous Waste appropriately:

If you produce, store or hold 500kg or more of hazardous waste in any 12 month period, then your premises must be registered with Natural Resources Wales, unless exempt.

There is a fee required for the registration which is used to cover administrative costs. The fee is currently £18 for an online application, however, it may be higher for other methods of registration used (telephone or postal application).

Further information on all of this can be found using the following weblink:

<https://naturalresources.wales/permits-and-permissions/waste-permitting/register-or-renew-as-a-hazardous-waste-producer/?lang=en>

Disposal of Hazardous Waste:

When hazardous waste is moved to, or from any location in Wales it needs to be accompanied by a hazardous waste **consignment note**. Upon receiving your hazardous waste, the disposal site should send you a copy of the fully completed consignment note. You are expected to keep this note for three years.

Further information can be found using this weblink:

[Natural Resources Wales / How to complete a hazardous waste consignment note](#)

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.