

Compliance Assessment Report CAR_NRW0041843

Permit being assessed: NP3894FK.

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

At: Ffynnongroew, Flintshire, CH8 9UU.

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

On 13/04/2023 between 11:50 and 12:40.

Parts of permit assessed: Storage, handling labelling and Segregation, site infrastructure, management system and operating procedures, fire prevention and mitigation plan

NRW Lead Officer: Boguslawa Pierzchala, accompanied by Eleanor Pierce.

Report sent to: Marek Warda, manager on 17/05/2023.

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)	
C2 - General Management - Management system and operating procedures	Action only (X)	
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 weatherproof covering where appropriate or in containers providing a weatherproof covering where appropriate.
C4 - General Management - Storage, handling labelling and Segregation	Action only (X)	
D1 - Incident Management - Site security	Ongoing (O)	The waste must be stored in a secure location at the place

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		where the manufacturing is carried out.

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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	Action: Please provide a final version of your Working Plan and submit for assessment by the 1st of May. Action completed. Further NRW comments will be send separately.	Already completed
C2	Action: Please provide the FPMP for assessment. Please comply by the 1st of May. Action completed. NRW comments will be send separately	Already completed
C4	Please ensure all such items are stored appropriately and in accordance with your permit. Please comply by the 17th of May	17/05/2023
C4	. Please place the batteries in a weatherproof container to ensure any possible spill is contained. for immediate compliance	17/05/2023
D1	Action: Please ensure the gates and fencing are finished to ensure waste is being stored securely within the yard. Please comply by the 17th of May.	17/05/2023

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 Thursday the 13th of April 2023 NRW officers attended Delyn Metals, Point of Ayr Treatment Facility. This was an unannounced routine inspection.

The weather was fine and dry with very strong winds.

Officers were met by Mr Warda, site manager, who accompanied the officers throughout

the inspection. At the time of the inspection all activities were put on hold due to the weather conditions.

The site is still undergoing some improvements to increase impermeable storage areas.

Fire Prevention and Mitigation Plan (FPMP)

FPMP has been discussed with the manager who stated an external company had assessed the site and prepared a site-specific plan. At the time of inspection, the manager was unable to locate the document.

Action: Please provide the FPMP for assessment. Please comply by the 1st of May.

Action completed. NRW comments will be send separately.

Working Plan/Management System

A draft version of the updated version has been submitted to NRW and returned to the site with initial comments.

Action: Please provide a final version of your Working Plan and submit for assessment by the 1st of May.

Action completed. Further NRW comments will be send separately.

Waste from Electrical and Electronic Equipment - WEEE

The manager showed officers dedicated storage area for all electrical and electronic equipment.

However, no items where stored in this area. As officers walked around the site several WEEE were observed mixed with other waste stored in piles. Please see photos below.





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.

This issue has been raised with the site management on previous occasions and was subsequently scored against relevant permit condition as a C3 breach.

Action: Please ensure all such items are stored appropriately and in accordance with your permit. Please comply by the 17th of May.

Storage of batteries.

The batteries were store separately on wooden pallets and under cover. Please place the batteries in a weatherproof container to ensure any possible spill is contained. For immediate action.



batteries stored on wooden
pallets

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 fully reinstalled. The two entrance gates have been ordered and are due to be fitted in the next two weeks. I understand that the remaining work will be completed by the end of April and that the management is actively chasing up the contractors to finish the work.



partially fenced exemption
area

Action: Please ensure the gates are fitted and waste is being stored securely within the yard. Please comply by the 17th of May.

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: boguslaw.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.