

## Compliance Assessment Report CAR\_NRW0043077

**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 20/12/2023 between 12:10 and 13:20.

Parts of permit assessed: EMS compliance, waste returns, ....

**NRW Lead Officer:** Boguslaw Pierzchala, accompanied by Joe Weatherley.

**Report sent to:** Stuart Butterworth, TCM on 25/01/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	A1 – Specified by permit Condition 1.1. Specified waste management operations 1.1.1. No waste management operations shall be authorised by this licence unless: 1. specified in and undertaken in accordance with the limitations in the following table; or 2. otherwise required by the conditions of this licence as being an integral part of those operations Table 1.1. The treatment of waste shall be restricted to the areas identified for this purpose and outlined in red on site plan reference No. DELYN/PDA/002 16092006. And 2.1. Engineered site containment and drainage systems

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		<p>Provision and maintenance of site containment and drainage systems 2.2.1. Waste shall only be deposited, stored, treated or otherwise handled in any area of the site, where the engineered site containment and drainage system for that area is provided in accordance with condition 2.1.2.</p> <p>Condition 2.1.2: The engineered site containment and drainage systems shall be designed, constructed, inspected, validated and maintained, and shall be fully documented and recorded, to be fit for purpose, and, where provided, to meet the standards specified in Table 2.1. Table 2.1 a IV &amp; V Site containment and drainage standards Type of site surface and drainage Hardstanding IV) Shall have sufficient durability to allow cleaning for example by scraping V) Shall remain free of standing water.</p>
C1 - General Management - Staff competency/training	Action only (X)	
C2 - General Management - Management system and operating procedures	Action only (X)	
C3 - General Management - Materials acceptance	Action only (X)	
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	Schedule WEEE 1 of your permit requires you to store WEEE, spare

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		<p>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. consolidated with Table 4.4 Standards for handling and/or storage of residual wastes</p> <p>Batteries (...) i) Once removed from vehicles, these components shall be segregated by type and stored within dedicated appropriate containers which are fit for purpose. The containers shall be clearly and unambiguously labelled regarding their contents.</p> <p>ii) These components shall only be stored in areas provided with an impermeable pavement and a sealed drainage system. iii) Lead acid batteries shall be stored in containers with an impermeable, acid resistant base and a lid to prevent ingress of surface water.</p>

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
A1	<p>Action: Please ensure the storage of waste is compliant with the site plan and include a detailed storage section in the updated version of the FPMP and EMS.</p> <p>Action: The use of trommel fines to extend/add onto the existing bund must stop immediately. All trommel fines need to be removed from site and taken to a suitably permitted site. A date of 31st March 2024 has been set for compliance with this. Please provide an update on the progress of the removal i.e. tonnage and waste transfer notes by the 29th February 2024</p>	31/03/2024
C1	Action: Please provide relevant training records for all current employees on site. Please comply by Friday the 2nd of February 2024	02/02/2024
C2	Action: Please ensure all comments are actioned and incorporated into the final versions of the documents. Also, please ensure that the documents are in line with the guidance documents sent by NRW. Please revise and send for assessment by the 31st of March 2024	31/03/2024
C3	Action: Please ensure waste not listed on the permit is separated, kept secure and disposed of appropriately. For immediate compliance.	26/01/2024
C4	<p>Action: Please ensure all such items are stored appropriately and in accordance with your permit. Please comply by the 31st of January 2024.</p> <p>Action: Please ensure all batteries are stored in a weatherproof container to ensure any possible spill is contained. For immediate action.</p>	31/01/2024

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 Wednesday the 20<sup>th</sup> of December 2023 waste regulation officers carried out a routine

unannounced inspection at Delyn Metals, Point of Ayr Treatment Facility.

The weather was wet with strong winds.

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

The site looked full, and officers observed high waste piles. Officers noticed that gaps between some of the piles had been covered with metal waste which could increase fire risk. The officers were not able to walk around the storage areas as the waste was blocking the path, it would be very difficult for the Fire Service to access and tackle any fires on site in the current state.

The surface of where the waste was stored was also waterlogged in places.

It is a concern that the waste storage arrangements were not compliant with the site permit and Working Plan as indicated on the site Plan.

Officers asked why there was so much waste retained/stored on site the manager informed us that the prices of metal had not been favourable recently. This is not a valid reason for excess volumes of waste on site and must be addressed for waste to be stored in accordance with the permit.



Storage of metal on site





Blocked path



Waterlogged ground

### **A1 – Specified by permit**

#### Condition 1.1. Specified waste management operations

1.1.1. No waste management operations shall be authorised by this licence unless:

1. specified in and undertaken in accordance with the limitations in the following table; or
2. otherwise required by the conditions of this licence as being an integral part of those operations

Table 1.1. The treatment of waste shall be restricted to the areas identified for this purpose and outlined in red on site plan reference No. DELYN/PDA/002 16092006.

#### 2.1. Engineered site containment and drainage systems

##### *Provision and maintenance of site containment and drainage systems*

2.2.1. Waste shall only be deposited, stored, treated or otherwise handled in any area of the site, where the engineered site containment and drainage system for that area is provided in accordance with condition 2.1.2.

Condition 2.1.2: The engineered site containment and drainage systems shall be designed, constructed, inspected, validated and maintained, and shall be fully documented and recorded, to be fit for purpose, and, where provided, to meet the standards specified in Table 2.1.

## Table 2.1 a IV &amp; V

## Site containment and drainage standards

## Type of site surface and drainage

## a. Hardstanding

IV) Shall have sufficient durability to allow cleaning for example by scraping

V) Shall remain free of standing water

This issue has been raised and discussed with the manager and has subsequently been scored against the relevant permit condition as a **C3 breach**.

**Action:** Please ensure the storage of waste is compliant with the site plan and include a detailed storage section in the updated version of the FPMP and EMS. Please comply by the 31<sup>st</sup> March 2024

**Trommel fines on site**

As officers walked around the site, they saw a large pile of waste at the back of the main metal waste pile. The site manager explained the pile was trommel fines which had been produced as a result of the metal treatment on site. He also explained that the fines are used to construct a bund around site. On closer examination a section of bund had already been created.

This activity and use of the contaminated fines is considered a breach of the permit because the composition of the material being used for the bund is not considered appropriate due to the contaminants present. This activity is considered an unauthorised disposal of waste. The trommel fines should be coded 19 12 12 and disposed of at a permitted site.

We are concerned that this unsuitable material has been used for the construction of the bund.

## Condition 1.1. Specified waste management operations

## 1.1.1. No waste management operations shall be authorised by this licence unless:

1. specified in and undertaken in accordance with the limitations in the following table; or
2. otherwise required by the conditions of this licence as being an integral part of those operations;

This issue has been raised with the site manager and also discussed during a follow up telephone conversation. The breach is subsequently scored against the relevant permit condition as a **C3 breach** and consolidated with the one discussed above.

**Action:** The use of trommel fines to extend/add onto the existing bund must stop **immediately**. All trommel fines need to be removed from site and taken to a suitably permitted site. A date of 31<sup>st</sup> March 2024 has been set for compliance with this. Please provide an update on the progress of the removal i.e. tonnage and waste transfer notes by the 29<sup>th</sup> February 2024.



Trommel fines on site

#### **C4) Storage, handling labelling and Segregation**

##### **Waste from Electrical and Electronic Equipment - WEEE**

The manager showed officers dedicated storage area for all electrical and electronic equipment. However, as officers walked around the site several WEEE items were observed mixed with other waste stored in piles. Please see photos below.







Several WEEE items mixed with other waste

**Schedule WEEE 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 is an ongoing issue at the site that requires procedural/structural changes. Please ensure the final version on the site EMS addresses this particular waste stream.

This issue has been raised with the site management on previous occasions and was subsequently scored against the 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 31<sup>st</sup> of January 2024.

#### **Storage of batteries.**

**Table 4.4** Standards for handling and/or storage of residual wastes Batteries (...)

- i. Once removed from vehicles, these components shall be segregated by type and stored within dedicated appropriate containers which are fit for purpose. The containers shall be clearly and unambiguously labelled regarding their contents.
- ii. These components shall only be stored in areas provided with an impermeable pavement and a sealed drainage system.
- iii. Lead acid batteries shall be stored in containers with an impermeable, acid resistant base and a lid to prevent ingress of surface water.

The batteries were store separately in metal containers; however, some of the containers were not leak proof. Batteries are required to be stored in a container with an impermeable, acid resistant base with either a lid on top or under cover/roof to prevent the ingress of water.

This issue has been raised with the site management on previous occasions. As a result of the above permit breaches a **consolidated category 3** non-compliance score has been issued for those breaches scored in the C4: storage, handling labelling and segregation compliance criteria.

**Action:** Please ensure all batteries are stored in a weatherproof container to ensure any possible spill is contained. For immediate action.



Storage of batteries in the dedicated area

### **C3 Material acceptance**

As officers walked around site pressurised gas containers were seen in a skip, please see the below photo



Table 4.2 Standards for waste acceptance and control procedures

a. Waste Control procedures: quarantine storage and rejection of wastes

- i) Any items of non-permitted waste which are detected after acceptance at the site, shall be placed immediately in a designated quarantine container, and, where these are or appear to be special wastes, the Agency shall be informed immediately.
- ii) In the quarantine area, wastes shall be kept segregated from other wastes which are or are likely to be incompatible.
- lii) Quarantined wastes shall be removed from site within 7 days;
- lv) The maximum quantity of wastes kept in the quarantined storage area shall be 4.6 m<sup>3</sup> at any one time.
- v) A record shall be kept in the site diary of all rejected wastes and all wastes kept in quarantined storage

This waste type (16-05-05 Gases in pressurise containers gases in pressure containers (including halons) containing hazardous substances and 160504 gases in pressure containers other than those mentioned in 16 05 04 ) is not on the list of waste that can be accepted on site.

If you wish to keep accepting this type of waste you will need to vary your permit in order to do so, otherwise that waste need to be removed from site within seven days.

The containers must be stored securely, upright, in a lockable cage and placed in the quarantine area before disposal to a permitted site.

**Action:** Please ensure waste not listed on the permit is separated, kept secure and disposed of appropriately. For immediate compliance.

### **C1 Staff Competency and Training**

NRW officers requested to see training records which would cover the site Working Plan, waste acceptance and storage. The manager was not sure where the training records were kept at the time.

**Condition 1.4.3** of the permit states: "All staff shall be or shall work under the direct supervision of a member of staff who is, fully conversant with those aspects of the licence conditions and working plan which are relevant to their specific duties."

**Action:** Please provide relevant training records for all current employees on site. Please comply by Friday the 2<sup>nd</sup> of February 2024

This has been logged as an Action under the C1 staff training and competency compliance criteria

### **C2 Management systems and operating procedures**

#### **Fire Prevention and Mitigation Plan (FPMP) and Working Plan/Management System**

Both documents have been received by NRW, assessed, and sent back with several comments.

**Action:** Please ensure **all** comments are actioned and incorporated into the final versions of the documents. Also, please ensure that the documents are in line with the guidance documents sent by NRW. Please revise and send for assessment by the 31<sup>st</sup> of March 2024

The site permit has not been varied/updated for 17 years and if it is not found to be suitable, we may need to discuss the need to look at varying the permit to modernise it to ensure it's in line with the current permit layout. The new permit layout is simpler, and a detailed management system is used to address risks on site.

The site is located adjacent to a number of sensitive receptors ( ie SSSI, the river Dee), a fire or pollution incident could have a significant environmental impact on the highly sensitive and important designated site. During the site inspection the officers suggested that a site meeting will be beneficial to address the concerns raised in this CAR form and discuss how the site is to become compliant. The regulating officer will contact the management to schedule a meeting.

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](mailto: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](mailto: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.