

Compliance Assessment Report CAR_NRW0043943

Permit being assessed: NP3894FK.

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

At: Ffynnongroew, Flintshire, CH8 9UU.

Type of assessment: Unknown,

Reason: Other.

On: 20/03/2024 between 10:05 and 11:35.

Parts of permit assessed: training records, storage of waste, EMS, fire prevention and mitigation plan, WEEE, rejected waste.

NRW Lead Officer: Boguslawa Pierzchala, accompanied by Steven White.

Report sent to: Stuart Butterworth, TCM, on 25/07/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	Ongoing (O)	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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
		<p>red on site plan reference No. DELYN/PDA/002 16092006. And 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 & 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>
W1A - Waste - Management - General management	Action only (X)	

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	Ongoing (O)	Condition B Part 3 (1) of The Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018.
W2G - Waste - Operations - Improvement programme	Ongoing (O)	Schedule WEEE1 operations and WEEE 1.1.2 The storage (including temporary storage) and treatment of separately collected WEEE shall be carried out in accordance with the technical requirements of Annex III of the WEEE Directive specified in schedule WEEE2 to this notice.
W1A - Waste - Management - General management	Action only (X)	
W1A - Waste - Management - General management	Action only (X)	

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

Total 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
W1A	Please provide all waste transfer notes for trommel fines taken off site to date. Also, please provide an estimate of the remaining trommel fines (existing bund) and the completion date for the removal of all remaining trommel fines.	30/04/2024
W1A	Please provide relevant training sessions to all employees.	30/04/2024
W1A	Please submit updated documents for both EMS and FPMP.	31/05/2024
W2G	Please ensure WEEE is stored and treated as detailed in the Schedule WEEE1 and WEEE1.1.2	30/04/2024
W1A	Please submit an improvement plan to address excess storage issue and submit to NRW by no later than the 31st of	31/05/2024

Criteria	Action needed	Complete by
	May 2024	
W1A	Please place and store all oily parts in a weatherproof container with a cover	30/04/2024

Compliance 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 the 20th of December 2023 a site inspection was conducted by NRW officers. Compliance Assessment Report (CAR form) CAR NRW0043077 refers.

During the inspection several permit breaches were noted and raised with the site manager. Following the visit, a CAR form was issued with the required actions listed below.

1. The use of trommel fines to extend/add onto the existing bund or to build a new one to be stopped immediately. All trommel fines need to be removed from site and taken to a suitably permitted site.
2. Relevant training records for all current employees on site to be provided to NRW.
3. FPMP and EMS - all comments to be actioned and incorporated into the final versions of the documents. The documents must be in line with the guidance documents sent to the site manager and TCM by NRW.
4. Waste not listed on the permit i.e. pressurised gas containers, is separated, kept secure and disposed of appropriately.
5. Batteries to be stored in a weatherproof container to ensure any possible spill is contained.
6. Storage of WEEE – all WEEE to be kept separate and in accordance with the permit.

Also raised during the site inspection was the excess volume of waste on site.

On Wednesday the 20th of March 2024 a meeting was held with Mr Warda, site manager, Mr Butterworth, site TCM, and waste regulation officers to discuss the actions and progress on site.

This CAR form, in its new form, is being submitted following the actions/requirements agreed and sent to the management on the 11th of April 2024 as listed below.

The requirements have been marked as actions only at this time, as the score has been applied during the previous site inspection, the non-compliance is ongoing and the management is working towards the compliance.

Trommel fines

Trommel fines are no longer being used to create a bund around the site. 60 tonnes of the fines have been taken off site so far. Mr Butterworth stated that a 20tonne load is being taken off site daily. The officers discussed the need to remove the trommel fines bund that had already been created.

Action: Please provide all waste transfer notes for trommel fines taken off site to date. Also, please provide an estimate of the remaining trommel fines (existing bund) and the completion date for the removal of all remaining trommel fines. Please comply by the 30th of April 2024.

Training

Some training records were provided to NRW officers. There are training gaps, however, and the training will need to be delivered to employees to include permit conditions, waste acceptance and storage procedures, and also a familiarisation session on EMS and FPMP , once approved by NRW.

Action: Please provide relevant training sessions to all employees by the 30th of April 2024

EMS and FPMP

Mr Butterworth is working on the revised version of the site EMS. The FPMP is being completed by an external consultant. An extension to submission was requested by Mr Butterworth.

Action: Please submit updated versions of both documents by the 31st of May 2024

Pressurised gas containers

This issue appeared to have been addressed.

Batteries storage

Action: Please provide photographic evidence of the batteries' storage container.

Storage of WEEE

Officers noted that WEEE storage is still an issue on site. Several items of WEEE were seen in the piles of other waste streams. This issue is linked to the volume of waste on site summarised below.

Excess volume of waste

The amount of waste on site is a concern. Mr Butterworth and Mr Warda said that the prices of metals had dropped significantly, subsequently the owner decided to postpone the sale of metal. The price of metal is not a sufficient reason for bulking up waste materials, it also should have no bearing on the size of the waste piles and their separation distances.

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. Vast amounts of waste create increased risk of fire and the amount of waste stored on site will need to be reduced or different storage arrangements would need to be arranged ie. Decreasing the height of piles, implementing correct fire breaks between the piles, ensuring full access to the piles is maintained at all times.

Action: Please submit an improvement plan to address this issue and submit to NRW by no later than the 31st of May 2024.

Oily parts/ engines

Officers noted several engines and oily parts in the far-left corner of the site (when looking from the office). The waste was stored in damaged, open-top containers and mixed within waste piles. Any waste with oil residue should be stored in a weatherproof container with cover to prevent ingress and egress of water. This was raised with the TCM and site manager.

Action: Please place and store all oily parts in a weatherproof container with a cover. Please comply by the 30th of April 2024

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.

If your assessment result in Section 1 is suspended, what does this mean?

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 Waste compliance criteria (used in section 1 and 2):

1. Management

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

2. Operations

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

3. Emission and Monitoring

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

4. Information

- W4A – Records
- W4B – Reporting
- W4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.