

Compliance Assessment Report CAR_NRW0045257

Permit being assessed: NP3894FK.

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

At: Ffynnongroew, Flintshire, CH8 9UU.

Type of assessment: Site Inspection,

Reason: Routine.

On: 20/09/2024 between 10:45 and 12:30.

Parts of permit assessed: 1.1.1, waste storage, training, EMS, FPMP.

NRW Lead Officer: Boguslawa Pierzchala, accompanied by Nia Brunning.

Report sent to: Stuart Butterworth, manager, on 28/10/2024.

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	Action only (X)	
W1A - Waste - Management - General management	C3 Minor (Suspended)	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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
		<p>purpose and outlined in 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 2.1.1. 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	C3 Minor	All staff shall be, or shall

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
management		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
W1A - Waste - Management - General management	C3 Minor (Suspended)	Condition B Part 3 (1) of The Environmental Protection Miscellaneous Amendments) (England and Wales) Regulations 2018
W1A - Waste - Management - General management	Action only (X)	
W1A - Waste - Management - General management	C3 Minor	1.1.1 "No waste management operations shall be authorised by this licence unless. 1 specified in and undertaken in accordance with the limitation in the following table. Table 1.1. Specified waste management operations – Storage The storage 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.
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
4	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
W1A	Please provide the Duty of Care documents for the removal of trommel fines taken off site to date	04/11/2024
W1A	Remove all trommel fine from site and provide Duty of Care documents for the removal.	24/01/2025
W1A	Please ensure that relevant training is delivered by the 8th of November 2024. Once completed please provide training records to NRW	08/11/2024
W1A	Please provide updated version of the EMS	24/01/2025
W1A	Please review and submit an updated version of your FPMP for assessment	24/01/2025
W1A	Please ensure all waste is stored in accordance with the site permit	08/11/2024
W1A	Please ensure all pressurised gas containers are stored correctly within the relevant quarantine area	28/10/2024
W1A	An improvement plan is needed to address storage issues. Please submit the plan to NRW by the 29th of November	29/11/2024

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 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 from the previous inspection and progress on site.

The management expressed their intention to address the points and non-compliances discussed during the meeting. A date for the completion of each point/ non-compliance was agreed and listed on the Compliance Assessment Report (CAR) sent to the management, CAR NRW0043943 refers.

The non-compliance is ongoing and the management is working towards the compliance.

1. Trommel fines

No longer to be used as material to create bunds on site. **All trommel fines** to be removed from site and Waste transfer notes to be provided to NRW.

2. Training

Training records were requested for all current employees at Delyn Point of Ayr.

3. Environment Management System (EMS) and Fire Prevention and Mitigation Plan (FPMP)

It was requested that both documents needed to be updated and sent to NRW for assessment.

4. Batteries storage – batteries to be stored in appropriate container

4. Storage of WEEE - WEEE storage was still an issue on site with several items of WEEE seen in the piles of other waste streams.

4. Excess volume of waste - The amount of waste on site was a concern at the time of the visit. An improvement plan was requested to be submitted to NRW.

4. Storage of Oily parts –

These were requested to be stored in a weatherproof container to prevent ingress and egress of water.

On the 20th of September NRW officers conducted a follow-up site inspection.

On arrival NRW officers were met by the site owner Mr Mound and the site manager Mr Warda, who accompanied officers throughout the inspection.

The weather was dry and windy.

Officers walked around the site to check if actions requested previously had been completed. The officers then held a meeting with the site owner and management to discuss the action required to bring the site into compliance. The actions have been listed below.

During the walk around Officers made the below observations:

1. **Trommel fines.**

Trommel fines previously stored near to the caravan storage area had been removed, the bund historically created using trommel fine remains in situ.

A payment confirmation for the removal of the fines had been provided to NRW but not the Duty of Care documents.

Action: Please provide the Duty of Care documents for the removal of trommel fines taken off site to date. Please comply by the **4th November 2024**



Trommel fines on site



Bund created with trommel fines on site

The deposit of trommel fines and using them as material to build a bund on site is a breach of permit condition 1.1.1. As a result a **C3** score has been assigned for this breach.

The matter has been discussed with the site owner who is willing to address the matter within three months.

Action: Remove all trommel fine from site . Please comply by the **24th of January 2025**

The score will be **suspended until the 24th of January 2025**. After that date we will re-visit the site to ensure that this action has been completed.

2. Training

NRW officers requested to see training records which would cover the site Working Plan, waste acceptance and storage . Some training records have been provided to NRW. The records do not list permit/ EMS familiarisation sessions.

Permit Condition 1.4.3 Understanding of licence and working plan, 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.

NRW officers have not been provided records that would confirm all employees or relevant supervisors received a comprehensive training in relation to the site permit and working plan. This has subsequently been scored against the relevant permit condition as a **C3 breach**.

Action: Please ensure that relevant training is delivered by the **8th of November 2024**. Once completed please provide training records to NRW

3.Environment Management System (EMS)

The need of updating the document has been discussed again with the management and the site owner.

EMS procedures continue to be inadequate for managing risks from site activities such as waste storage. A number of amendments/comments had been sent to site management previously. The subsequent updated versions submitted to NRW were deemed inadequate as they had not addressed all the comments.

Mr Mound stated he would look into the matter and submit updated version in three months' time.

Action: Please provide updated version of the EMS by the **24th of January 2025**.

EMS procedures continue to be inadequate for managing risks from the site's activities.

This is a breach of Condition B Part 3 (1) of The Environmental Protection Miscellaneous Amendments) (England and Wales) Regulations 2018.

This breach has been assigned a **C3 score** which will be suspended until **the 24th of January 2025**.

The breach is not an offence; however, we have the power to serve an enforcement notice for this breach. Failure to comply with the notice is an offence.

Fire Prevention and Mitigation Plan (FPMP)

The site management employed an external consultant to prepare a site specific FPMP. The document did not meet the requirements included in the Fire Prevention & Mitigation Plan Guidance – Waste Management Guidance Note 16.

Action: Please review and submit an updated version of your FPMP for assessment by the **24th January 2025**

Batteries storage – Officers were unable to check the battery storage as the area was being used as temporary storage for the insulation panels. Please see photos below.



Officers were concerned that there were no fire breaks and no access to the batteries or WEEE storage. That storage arrangement increases the fire risk and the potential pollution risk.

This area is also not listed as storage on the site plan.

As pointed out previously the site is located adjacent to a number of sensitive receptors (ie, the River Dee and associated designations), a fire or pollution incident could have a significant environmental impact on the highly sensitive and important designated site. Storage areas would need to be arranged in a way that mitigates the risk of fire, correct fire breaks between the piles, ensuring full access to the piles is maintained at all times.

Also of note is the main North Wales train line approximately 50m from the location of that storage area. Consequences of a large fire on site could include the closure of the rail line, a major infrastructure concern.

The area where the panels were stored is not included in the site plan and therefore a breach of the condition **1.1.1** which states: "No waste management operations shall be authorised by this licence unless. 1 specified in and undertaken in accordance with the limitation in the following table.

Table 1.1. Specified waste management operations – Storage

The storage 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.

This breach has been assigned a **C3 score**.

Since the site inspection photographic evidence was submitted to NRW showing that there is now access to the batteries and WEEE storage areas.

Action: Please ensure all waste is stored in accordance with the site permit. Please comply by the **8th November 2024**

4. Storage of WEEE - Officers were unable to check the WEEE storage area as it was obstructed by the storage of panels as described above.

5. Excess volume of waste

The waste piles on site continue to be very high, not all areas were accessible. With one access path blocked by waste. Please see photo below.

The current storage arrangements are not compliant with the below permit condition.

Condition **1.1.1** No waste management operations shall be authorised by this licence unless. 1 specified in and undertaken in accordance with the limitation in the following table.

Table 1.1 Specified waste management operations – Storage

The storage 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.

This breach has been assigned a **consolidated C3 score**.

Action: Please ensure all waste is stored in accordance with the site permit. Please comply by the **8th**

November 2024

An improvement plan is needed to address storage issues. This can be communicated to NRW whilst the improvements are done on the site EMS. Please provide the plan by **29th of November 2024**



Waste obstructing a path/ access

4. Oil contaminated parts

A number of oil contaminated parts were seen stored on the ground and amongst the waste piles. This issue has been raised with the manager on previous occasions . Please see the below photos.

Table 4.4 (b) states that oil contaminated parts are to be stored within dedicated appropriate containers which are fit for purpose. The containers are to be clearly and unambiguously labelled regarding their content.

This has been assigned a **consolidated C3 score**



Engine stored on the ground



Oil contaminated parts mixed with metal waste



Container for oily parts with no cover and a hole at the front panel

Action: Any waste with oil residue should be stored in a weatherproof container with cover to prevent ingress and egress of water. Please ensure that all such waste is stored appropriately. Please comply by the **8th of November 2024**

Pressurised gas containers.

Officers saw a number of fire extinguishers amongst the pile of waste metal. Please see the below photos.





Fire extinguishers on site.

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

The site manager pointed out that the extinguishers did not have their tops on and therefore he would class them as metal and they would not require to be placed in a lockable, upright cage.

Whilst this was the case for the extinguishers officers were able to check safely, there could be some containers with the tops on amongst the waste piles as it would be unlikely that customers would remove the tops and depressurise the extinguishers prior to disposal.

Action: Please ensure all pressurised gas containers are stored correctly within the relevant quarantine area

Waste Exemptions

Officers discussed the regulation changes with the site owner . Link to the relevant information has been sent separately.

The site benefitted from a T9 exemption. It is noted that the exemption has expired. Should you wish to continue with the activities an exemption must be registered.

Thank you for your time during the inspection.

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.

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.