

Compliance Assessment Report CAR_NRW0037115

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 15/10/2020 between 11:00 and 11:30.

Parts of permit assessed: Management system and operating procedures; Site security; Reporting and Notification

NRW Lead Officer: Boguslawka Pierzchala, accompanied by Eryl Lloyd.

Report sent to: Stuart Butterworth, Manager/TCM on 12/11/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
D1 - Incident Management - Site security	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	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 were checked for the site - there are no waste returns on our database for Delyn Point of Ayr since December 2010.

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

Total number of non-compliances recorded	Total non-compliance score
1	0.1

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
G4	Action Required: The missing quarterly returns from January 2011 to September 2020 must be submitted to	10/12/2020

Criteria	Action needed	Complete by
	waste.returns@cyfoethnatriolcymru.gov.uk no later than 10th of December 2020	

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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

On Thursday 15th of October 2020 waste regulation officer Boguslaw Pierzchala attended the site. Seconded police officer Eryl Lloyd was also present during the inspection.

This was an announced inspection due to the current Covid 19 restrictions to ensure safety of all people involved.

The officers were met and accompanied through the inspection by the person in charge of the site Martyn Kafel.

The site has a number of CCTV cameras and also a night security officer on site.

There was a large number of off-cuts lined on both sides of the path leading onto the site and also in the first fenced-up yard as you enter the site. Martyn stated they are being brought in from Kingspan in Greenfield and are used to produce corrugated roof sheets.

Reporting and Notification

During the visit the officers entered the back of the yard where the metal is being stored. They observed a lorry depositing a load of scrap metal. Martyn stated that the site is being used to store the overflow from the main Delyn site in Gwespr.

Condition 1.10.2 of the site permit states that in the event that the site ceases receiving waste for longer than 21 days then within 7 days following the elapse of that time, The Licence Holder shall inform the Agency in writing of the date of cessation and of the planned date of recommencement. In the event that the Licence Holder intends that the site shall recommence receiving wastes sooner than the notified date then they shall give the Agency not less than 7 days prior notice in writing.

During our visit the site was being used and there were employees observed on site. In a previous inspection at the Delyn Metals Gwespr site it was stated that the Point of Ayr site was currently non-operational; this does not appear to be the case and a follow up inspection will be carried out.

Waste returns have been checked for the site.

Condition 7.2.2 of your permit refers to waste returns. These quarterly returns should be submitted to NRW within 1 month of the end of that quarter. During times when the site is not operational, it is still required to submit waste returns and mark it as "NIL".

This was highlighted in the CAR form submitted on the 5th of March 2018. Natural Resources Wales has not received the waste returns yet. Please ensure you submit the missing waste returns for the below stated periods: January 2010 to September 2020. This has been scored as a CCS C4 breach of the above permit condition and the missing returns (including null returns) should be submitted to NRW as set out in the action below.

Action Required: The missing quarterly returns must be submitted to waste.returns@cyfoethnaturiolcymru.gov.uk no later than 10th of December 2020.

Thank you for your time during the visit.

Boguslaw Pierzchala
Swyddog Rheoleiddio Gwastraff (GD) / Waste Regulation Officer (NE)
Cyfoeth Naturiol Cymru / Natural Resources Wales

Ffôn/ Phone: 03000 65 3870
Cyfoeth Naturiol Cymru, Ffordd Caer, Bwcle. Sir Fflint. CH7 3AJ /
Natural Resources Wales, Chester Road, Buckley. Flintshire. CH7 3AJ.

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.