

EPR Compliance Assessment Report

Report ID: 37134/0256766

This form will report compliance with your permit as determined by an NRW officer

Site	Delyn Metals Ltd				Permit Ref	37134		
Operator/ Permit holder	Delyn Metals Ltd							
Date	28/01/2016				Time in	11:15	Out	11:50
What parts of the permit were assessed	As below.							
Assessment	Site Inspection	EPR Activity:	Installation		Waste Op	X	Water Discharge	
Recipient's name/position	Stuart Butterworth / TCM							
Officer's name	Leon Williams, Andrew Sowerby				Date issued	03/02/2016		

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS scores can be consolidated or suspended, where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit Conditions and Compliance Summary			Condition(s) breached
a) Permitted activities	1. Specified by permit	A	
b) Infrastructure	1. Engineering for prevention & control of pollution	A	
	2. Closure & decommissioning	NA	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	C4	1.1.1
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	A	
	2. Management system & operating procedures	A	
	3. Materials acceptance	C3	2.3.2
	4. Storage handling, labelling, segregation	A	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	A	
	2. Noise	A	
	3. Dust/fibres/particulates	A	
	4. Pests, birds & scavengers	A	
	5. Deposits on road	A	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),

A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

Number of breaches recorded

2

Total compliance score
(see section 5 for scoring scheme)

4.1

If the Total No Breaches is greater than zero, then please see Section 3 for details of our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- the part(s) of the permit that were assessed (e.g. maintenance, training, combustion plant, etc)
- where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- any non-compliances identified
- any non-compliances with directly applicable legislation
- details of any multiple non-compliances
- information on the compliance score accrued inc. details of suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

Routine site inspection carried out by Environment Officers Leon Williams and Andrew Sowerby, accompanied by site manager Stuart Butterworth.

Concerns were raised relating to the stockpiles of ferrous metals stored on site. The stockpiles are of substantial size and the recorded quantities of scrap metal are estimated to be around the 8000 tonne limit outlined in the sites environmental management system (EMS). In addition to the recorded quantities of metal there is also a large unknown quantity of historic scrap that was imported to site prior to Stuart Butterworth becoming the site manager. The total quantity of scrap metal is therefore very hard to calculate. Due to the quantities of scrap metal significantly exceeding the 8000 tonnes a CCS Cat 4 score has been allocated on this occasion. Given the current downturn in the price of scrap metal, it is understood that it is not currently as lucrative to export the metal from site. However, compliance relating to the site license should not diminish and we request that work is begun to reduce the quantities of metal on site.



A cross-section of the waste metal stockpiles on site

Oil contamination was observed around the site weighbridge. Two absorbent pads were being used to soak up the oil. Mr Butterworth explained that he believed the oil had sourced from an oil drum deposited in one of the stockpiles of metal on site. Given the volume of metal on site, the sources of incidents of this nature are difficult to monitor and investigate. This instance reiterates the importance of effectively managing the quantities of metal on site.



Oil contamination around the site weighbridge

A gas canister and two fire extinguishers were seen deposited around the metal processing area. A CCS Cat 3 score has been allocated as pressurised canisters are not a permitted waste type under Schedule 2 of the site's environmental permit. Currently there is no quarantine skip present on site. We require that all non-permitted waste is transferred to a quarantine skip immediately after discovery.



Non-permitted waste types on site

Battery storage within the garage building was inspected. Four batteries were seen to be stored on the floor in the garage, outside of their relevant containers. Section 3.5.1 of the site working plan outlines that all "batteries should be stored in acid proof containers capable of holding the contents of the batteries placed in them". Please ensure that all batteries are stored as outlined in the site working plan.


Summary of breaches noted upon this inspection:

CAR sub criteria – B4 – Infrastructure: Containment of stored materials, Permit condition 1.1.1, Compliance Classification Scheme Score Category 4

CAR sub criteria – C3 – Management: Materials acceptance, Permit condition 2.3.2, Compliance Classification Scheme Score Category 3

Thank you for your co-operation during the inspection.

'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.'

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Operator/ Permit	Delyn Metals Ltd	Date 28/01/2016

Section 3- Enforcement Response		Only one of the boxes below should be ticked
You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.		
Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.		
In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.		X
We will now consider what enforcement action is appropriate and notify you, referencing this form.		

Section 4- Action(s)			
Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
B4	C4	Quantities of metal waste should be reduced on site.	N/A
C3	C3	Non-permitted waste types should be quarantined on site.	N/A

Section 5 - Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- advise on corrective actions verbally or in writing
- require you to take specific actions in writing
- issue a notice
- require you to review your procedures or management system
- change some of the conditions of your permit
- decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you.

● We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.

● Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- ensure you comply with other legislative provisions which may apply.

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance which could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General Information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- offering/providing you with its literature/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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line managers. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00–18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.