	EPR Compliance Assessment Report	Report ID: 37134/0237730			
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	25/03/2015		Time in	15:45	Out 16:15
What parts of the permit were assessed	Permitted Area				
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op X	Water Discharge
Recipient's name/position	Stuart Butterworth				
Officer's name	Andrew Sowerby, Louise Peel		Date issued	24/04/2015	

Section 1 - Compliance Assessment Summary					
<p>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.</p>					
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)	A			
	4. Containment of stored materials	A			
	5. Plant and equipment	N			
c) General management	1. Staff competency/ training	A			
	2. Management system & operating procedures	A			
	3. Materials acceptance	A			
	4. Storage handling, labelling, segregation	A			
d) Incident management	1. Site security	A			
	2. Accident, emergency & incident planning	N			
e) Emissions	1. Air	N			
	2. Land & Groundwater	A			
	3. Surface water	N			
	4. Sewer	N			
	5. Waste	NA			
f) Amenity	1. Odour	A			
	2. Noise	A			
	3. Dust/fibres/particulates	A			
	4. Pests, birds & scavengers	N			
	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	A			
	3. Maintenance records	N			
	4. Reporting & notification	N			
h) Resource efficiency	1. Efficient use of raw materials	NA			
	2. Energy	NA			
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	0	Total compliance score (see section 5 for scoring scheme)	0
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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.

Met Stuart Butterworth on site

Observed that there was a significant amount of insulation foam stored on top of part of the metal waste pile on site. We were informed that this insulation foam had come from Kronospan and would be returned later in the week. An email was received on the 28th March 2015 to inform us that the insulation foam had been removed from site. This insulation foam should be regarded as unauthorised waste as it is not listed amongst the waste types allowed under your permit. Within your environment management system (EMS) you detail in section 3.1.3 how you will deal with unauthorised waste. This section states

"If any unauthorised waste is discovered inside a waste consignment after receipt, two courses of action are available:

i. Return the load to the producer and advise Natural Resources Wales of the deposit; or,

ii. Where the producer/owner of the waste has left the site and/or cannot be contacted or where the removal off-site of the waste may cause further problems then the waste will be deposited in the skip/container provided for unauthorised wastes. Natural Resources Wales will then be contacted to agree a course of action if the waste is difficult to handle or hazardous."

Please ensure that next time you accept any unauthorised wastes on site it is treated in the way set out within your EMS. You should also ensure that these occurrences are recorded within your site diary.


Whilst on site we observed a skip that contained engines. We were told that all engines within the skip had come from fully depolluted ELVs. As there is a risk from residual oils etc from the skip containing engines you should specify within your EMS whether any extra measures have been taken to contain these residual oils, i.e. sealed skip, spill kits. This skip should also be referred to on your site plan.

We then discussed where some of these ELVs had come from. We were told that only fully depolluted ELVs had been accepted onto site. Some come from registered ATFs such as Flintspeed, but it was mentioned that you occasionally received ELVs from garages or private individuals. If you intend to accept ELVs onto site then you need to inspect them thoroughly to ensure they have been fully depolluted. There is guidance available that details what needs to be done to a car to ensure it is fully depolluted. Your EMS states in section 3.1.3 that ELVs will be checked by site staff before acceptance, but it does not say how these ELVs will be checked to ensure they are depolluted. You should therefore document within the EMS exactly what checks will be carried out and how they will be done to ensure the ELVs are appropriate for acceptance. If these ELVs have not come from a registered ATF then they will need to be stored on an impermeable surface with sealed drainage until the checks have been carried out. Any ELVs that are found to be not fully depolluted should be returned or quarantined until arrangements can be made to dispose of them appropriately. An ELV that has not been fully depolluted is regarded as hazardous waste.

You should note that it is a legal requirement for all scrap vehicles to be issued with a DVLA Certificate of Destruction. These Certificates can only be issued by a licensed ATF (such as Flintspeed). It is therefore likely that any ELV received from a site that is not a licensed ATF will not have a Certificate of Destruction.

We checked some waste transfer notes on site. It was observed that the sites waste transfer notes are very well catalogued and organised.

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 25/03/2015

Section 3- Enforcement Response	Only one of the boxes below should be ticked
<p>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.</p>	
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.	X
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.	
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			

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.