

Compliance Assessment Report

Report ID:
CAR_NRW0032961

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

Site	Point Of Ayr Treatment Facility	Permit Ref	NP3894FK		
Operator/Permit holder	Delyn Metals Ltd				
Regime	Waste Operations				
Date of assessment	19/02/2018	Time in	10:00	Out	11:15
Assessment type	Site Inspection				
Parts of the permit assessed	Permit/ EMS and Permitted Area				
Lead officer's name	Sowerby, Andrew R.				
Accompanied by	Challender, Paul				
Recipient's name/position	Joseph Mound and Stuart Butterworth/ Owner and Site Manager	Date issued	05/03/2018		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). 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	CCS Category	Condition(s) breached
A1 - Specified by permit	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	A	
B5 - Infrastructure - Plant and equipment	A	
C2 - General Management - Management system and operating procedures	A	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
D1 - Incident Management - Site security	A	
E3 - Emissions - Surface water	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.
A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,
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 Number of breaches recorded is greater than zero, please see Section 3 for 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 (eg. 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 advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

The site meeting was requested by Mr Mound so that the permit and associated paperwork could be discussed. The intention is to begin operating at the site as soon as possible. This would include closing the gate on the Gwespyr site and relocating all operations to Point of Ayr.

I attended site with Environment Officer Paul Challender. We met both Joseph Mound (owner) and Stuart Butterworth (Site Manager and TCM).

We inspected the site itself. Currently it is not operational. However, there is a large amount of both waste and non-waste material on site as it has been used for storage of materials by Delyn Metals and other businesses owned and operated by Joseph Mound. Work has begun to start clearing up some of these stockpiles and the intention will be to have dealt with most of it before the site is opened up to businesses and the public. A baler has been purchased and delivered to site, and this machine, once reassembled, will be used to deal with some of the waste on site.

The site drainage was discussed. We were assured that the site drainage is still operational and still effective. It was advised that as the site has not been properly used for a significant amount of time it may be worth carrying out checks to ensure this.

As the site is located adjacent to an area of land that has almost every environmental designation assigned to it, particular care will have to be taken to ensure that all waste brought onto site is fully contained and that there is absolutely no impact on the local environment (including from the drainage discharge point).

Waste Returns

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. Despite the site not being operational for a number of years, you should have still been submitting waste returns. These returns should have reflected exactly what waste was being accepted or removed from the permitted site during this period, even if it was nothing. The last waste returns submitted for this site were submitted for the period October to December 2010.

Please ensure that you submit waste returns for every quarter from now on, even if they are nil returns. We would expect to see waste returns for Jan to Mar 2018 submitted by the end of April.

Environmental Permit

The environmental permit was discussed. The current permit was issued in May 2007 with a modification in November 2008 to include various WEEE conditions.

A quick review of both the Gwespyr permit and the Point of Ayr permit show that there are differences in some of the wastes that can be accepted at the sites. There were also some concerns around the current waste quantities in the Point of Ayr permit. You are advised to closely read through the sites permit to ensure it allows you to do all the activities you intend to do. In particular you should ensure that the permitted waste types, quantities and storage and treatment conditions are suitable. If the permit is not found to be suitable then we will need to look at varying the permit as soon as possible to ensure it is ready for when the site is fully operational. You are only permitted to carry out the activities detailed in your current permit.

Whether you apply to vary your permit or not we may take the opportunity to modernise the permit to bring it into line with the current permit layout. The new permit layout is simpler in its layout and heavily relies upon a management system to address risks on site. Due to the nature of the operations on site it is highly likely we would require a fire prevention and mitigation plan as well.

Working Plan/ Management System

There is currently a requirement under your permit to have a Working Plan. The working plan we have on file is dated July 2007. This working plan (or management system) would need to be updated prior to operations beginning on site. NRW provide guidance on our website on what information needs to be included in a management system. Should you require help finding this guidance please let me know.

Ultimately, the decision on whether the site can become fully operational depends upon the issuing of the relevant planning permission. I would be grateful if you could inform me when this permission is received and following this you must inform

me at least 7 days prior to operations beginning on site (conditions 1.10.1 and 1.10.2).

Overall, apart from the missing waste returns, there were no issues observed with compliance on site.

If you have any questions please contact me either via email or by phone 0300 065 3806

EPR Compliance Assessment Report

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Operator/Permit holder	Delyn Metals Ltd	Date	19/02/2018

Section 3 – Enforcement Response

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.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

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 verbally or 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 that 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 fulfil 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 (eg. 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 its service
- Freedom of Information Act/Environmental 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 fifteen 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 officer's line managers using the informal appeals procedure. 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.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.