Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0032496

This form will report compliance with your permit as determined by an NRW officer					
Site	S L Recycling Ltd	Permit Ref	ZB3593HH		
Operator/Permit holder	S L Recycling Limited				
Regime	Waste Operations				
Date of assessment	16/11/2017	Time in	12:10	Out	12:50
Assessment type	Site Inspection				
Parts of the permit assessed	EMS, Emissions				
Lead officer's name	Moggridge, Lara				
Accompanied by	Perry, James				
Recipient's name/position	Becky Tucker/ TCM	Date issued	30/11/2017		

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**
C2 - General Management - Management system and operating procedures	C2	1.1.1
E1 - Emissions - Air	C2	3.1.1
E3 - Emissions - Surface water	C3	3.1.1

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	**3**	**Total compliance score** (see section 5 for scoring scheme)	66

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

Attendance to site was in response to an incident reported to NRW by the Fire and Rescue Service, who were in attendance at a fire on your site during the morning and early afternoon of the 16th November 2017.

When NRW officers arrived at site the FRS were in control of the incident.

FRS fire commander Andy Spence informed NRW that site staff believed the incident was started by a fault with the fuel pump in the depollution area of the site. The fire spread to an IBC of diesel, which was the cause of an explosion. The fire then spread to loosely stored tyres to the side of the depollution area, and a skip full of tyres, which the FRS had to tip up in order to control the fire. The fire also spread to some of the baled cars on site.

The plumes of smoke from the incident were evidenced by media and a large, dense black plume was emitting from the site at the height of the incident.

Officers spoke with Becky Tucker, TCM in the office regarding the incident, permit compliance, and the EMS.

E1 Emissions to Air: Condition 3.1.1 - Category 2

Condition 3.1.1 of your permit states that
"Emissions of substances not controlled by emission limits shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including but not limited to, those specificed in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions."

This breach has been given because the fire caused black smoke to be emitted to the environment, resulting in a significant pollution. It is considered that had appropriate measures been in place the fire would not have occurred or would not have caused such a significant incident.

Your environment management system and associated risk assessments should have identified the risks of storing the tyres and hazardous oil wastes in the manner they were stored, as well as detail maintenance procedures and checks for the depollution area. In CAR form referenced NRW0032296, the fire risk associated with the storage of tyres was raised. Failure to implement appropriate measures regarding the storage of the wastes and documented maintenance checks resulted in a more significant pollution incident.

E3 Emissions to Surface Water: Condition 3.1.1 Category 3

This breach has been given because it is reasonably forseeable that contaminated firewater would have entered the stream through the interceptor. It is reasonably foreseeable that the amount of water used by the FRS in order to control and put out the fire would have overloaded the interceptor, and caused waste oils stored by the interceptor to be washed through into the water environment, along with the contaminated firewater. The water used by the FRS would have become contaminated by washing through the waste (including waste oils) during the fire. There was no evidence of any water management being undertaken during the incident and all contaminated firewater was allowed to wash through the site drainage system. The stream to which your interceptor discharges was checked on leaving the site. The stream was showing traces of oil washing down past the bridge at the end of the road. It was also evident that oil was collecting toward the bank upstream of the bridge.

Your management system, and fire prevention and mitigation plan, should identify risks of water pollution and detail how these risks will be managed in the event of an incident. Water management in the event of a fire must be specified, for example could the interceptor be closed to allow it to act as a sealed sump or drain covers used, in order to contain fire water until it can be removed and disposed of off site? Appropriate measures must be implemented to enable the correct and proper management of water from site, in order to minimise any risk of water pollution.

C2 Management Systems and Operating Procedures: Condition 1.1.1 - Category 2

The root cause of the fire has been assessed as the management systems on site. Your management system should identify risk of pollution from your activities and detail measures that will ensure any risks are minimised as far as possible. Your management system was assessed on site during the incident and reviewed following the incident together with your Fire Prevention Plan, which you submitted in September. Although the management system and attached fire prevention plan contain some good information, they require work to sufficiently enable you to identify and minimise risks from your activities. Some examples are:

- an accident management plan should identify all potential accidents and detail how to minimise them. Water management in the event of an incident must be identified and risks mitigated to the surface water that you discharge to. For example, can your interceptor act as a sealed sump to enable prevention of water pollution? If not, are drain covers stored on site to enable protection of the water environment by containing water within the site and having it removed by a pump and third party contractor.

- maintenance procedures and checks for the depollution area and equipment, and the interceptor should be included (the current maintenance plan checks, within the EMS, only cover the plant/vehicles). For example, if the fire originated from the fuel pump within the depollution equipment then recent, documented maintenance checks may have identified a fault which could have prevented the incident. If your equipment is from a recognised company, details of the specifications and manufacturers maintenance procedures/requirements should be included or referenced within the EMS and followed accordingly.

- amounts of waste that you can store on site at any one time, given the size of the site and types of waste you are permitted to accept. As the operator you are responsible for managing activities including the amounts of waste stored and the manner in which they are stored, which will not result in environmental pollution or harm to human health.

- how waste will be stored on site (including storage allowing fire breaks). For example, storage of tyres - if they were stored in smaller stockpiles away from the depollution area, and associated highly flammable activities, then the incident may have been far less significant.

- you must write your fire prevention plan in line with our guidance. The fire prevention and mitigation plan guidance can be found at the link: http://naturalresources.wales/media/683222/guidance-note-16-fire-prevention-mitigation-plan-english.pdf

It is considered that if more appropriate measures and procedures were in place and being followed then the incident may not have occurred, or at least the impact would have been mitigated.

Action: *improve written management systems and fire prevention plan, and implement procedures to minimise risks to the environment from site activities.*

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Operator/Permit holder	S L Recycling Limited	Date	16/11/2017

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
C2	C2	Improve procedures and management systems to ensure risks of environmental incidents are mitigated	28/02/2018
E3	C3	Improve procedures and management systems to ensure risks of environmental incidents are mitigated	28/02/2018
E1	C2	Improve procedures and management systems to ensure risks of environmental incidents are mitigated	28/02/2018

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.