

Compliance Assessment Report

Report ID:
CAR_NRW0023738

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

Site	Waunarlwydd EPR/BX9846ID	Permit Ref	BX9846ID		
Operator/Permit holder	Timet UK Ltd				
Regime	Installations				
Date of assessment	09/06/2016	Time in	10:00	Out	12:30
Assessment type	Report/Data Review				
Parts of the permit assessed	2.2.4.1, 2.5.1				
Lead officer's name	Taylor, Richard				
Accompanied by					
Recipient's name/position	Laurence Price/ HSE Manager	Date issued	07/07/2016		

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
B4 - Infrastructure - Containment of stored materials	C3	2.2.4.1; 2.5.1

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	1	Total compliance score (see section 5 for scoring scheme)	4
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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

NRW Response to Fire at Timet UK on 24th May 2016 at 15.13hrs – WIRS 1602659

1. The area in which the fire took place was in the waste handling area inside the permitted site boundary. It is thought that the fire started when used wipes which contained residues of titanium 'swarf' were exposed to the air/sunlight and self-ignited. This caught hold of other combustible materials in this waste handling area. There was evidence of the fire being contained within this area, with no injury to personnel or infrastructure. This waste handling area is a directly associated activity (DAA) listed in the site Environmental Permit (BX9846ID) at section 1.1. The fire service were called and the fire was put out at 15.52hrs.
2. A follow up site meeting with site staff, Mark Phillips (Engineering) and Martin Waddling (HSE) plus 5-6 members of the fire service, and NRW Officer Richard Taylor took place at site on 9th June to review the incident.
3. The fire service put the fire out with approx. 14,000 litres of firewater and 125 litres of foam. This has environmental implications to groundwater which was checked on the day. The fire took place within a hard standing bunded area with drainage channels directed to a 3 stage effluent treatment plant with accompanying lagoons. NRW are satisfied that the fire water was collected by the system in place, and saw no visible signs of pollution either on site or entering the local watercourses or sewerage system on the day of the inspection.
4. Under the site Environment Permit at section 2.8.1, Site are required to carry out a review of the Accident Management Plan as stated.

'The Operator shall maintain and implement when necessary the accident management plan submitted or described in response to Section 2.8 of the Application. The plan shall be reviewed at least every 2 years or as soon as practicable after an accident, whichever is the earlier, and the Agency notified of the results of the review within 2 months of its completion'.

Since there is no deadline to send the review to us in the permit, a 3 month guideline from the date of this CAR form shall be used with site informing us if they are experiencing any difficulties in meeting this.

Action 1 – Site to undertake a review of the Accident Management Plan and submit the updated plan to NRW within 3 months of the data of this CAR form. Site need to include the lessons learned from this incident and include these into the plan. This is to reduce the risk of a reoccurrence of the fire by addressing the contributing factors to the root cause. Additionally, and as a minimum requirement, Site need to address these improvement ideas and provide comments suggested at the site meeting;

- i. A full review is required into the site waste handling procedures, incorporating any relevant recommendations from the Fire service report following the incident on 24th May 2016.
 - ii. Site to address the possibility of training all site personnel to use the fire equipment available on site as first responders. Also site need to update training records to show who has and has not been trained, and when refresher training is required.
 - iii. Examine (with comments in the report) whether the storage area should be roofed over to minimise the chance of sunlight induced fire outbreaks by effectively keeping the waste in the shade.
 - iv. Update the emergency grab files in the security lodge. Have a second copy available for a secondary fire rig. Review the need to include details of where to obtain fire water, and the location of emergency shut off switches (gas, electricity, water). Review the site maps to include colour coded drainage routes (foul, free draining, and process streams). Examine whether the grab files should be laminated. Update plans if required and include the date this occurred onto the grab files. Review the site specific dangers listed i.e., are site specific dangers highlighted - i.e. titanium swarf can combusts in air?
 - v. Review with comments whether the fire evacuation assembly area is the best with regard to the location of the waste yards. Evaluate the scenario where shop floor personnel could assemble next to the fire in the waste areas thus increasing the likelihood of danger (breathing smoke, physical burns?).
1. As the fire burned from approximately 15.13hrs – 15.52 hrs, it can be assumed that a quantity of smoke was emitted to air. This resulting pollution would have been released from the site as a fugitive emission. Fortunately, the wind speed and direction was taken at the time of the fire as 0-2mph from the NE, and no complaints were received by members of the public regarding this incident. Additionally 3 NRW officers within the vicinity at the time reported that there was no visible cloud or air-borne pollution witnessed.

NRW are satisfied that the site did not cause more than minor pollution to air from the fire, and that the fire water used was successfully collected in the effluent treatment lagoons. However the fact that there were no complaints or visible cloud reported was fortunate.

1. Failure of the system in place has allowed the fire to occur in the first instance and emit uncontrolled fugitive emissions directly to air and secondarily to water. Pc 2.2.4.1 states;

'The Operator shall use BAT so as to prevent or where that is not practicable to reduce fugitive

emissions of substances to air from the Permitted Installation in particular from: storage areas, buildings, pipes, valves and other transfer systems, open surfaces.

-Provided always that the techniques used by the Operator shall be no less effective than those described in the Application, where relevant.

BAT standards should be in place to prevent the combustion of the waste. These standards must be operated at all times to reduce the likelihood of fugitive emissions. Uncontrolled outbreaks of fire must be prevented with adequate systems in place. Fugitive emissions from accidental fires should not be seen as acceptable. Therefore a breach of this permit condition has been issued for failing to control accidental fugitive emissions from a permitted site.

- 1. Additionally permit condition 2.5.1 has been breached by the failure to prevent a fire break out from waste handling activities. Permit condition 2.5.1 states ‘The Operator shall design, maintain and operate all facilities for the storage and handling of waste on the Permitted installation such that there are no releases to water or land during normal operation and that emissions to air and the risk of accidental release to water or land are minimised.***

As the handling of the waste inadvertently created the fire, it can be seen that under normal operating conditions the fire from the waste storage and handling area facility should not have occurred, therefore the system in place is inadequate. This has earned a Category 3 breach of permit condition 2.5.1 for a failure in the waste handling system. **However both breaches have been merged together to result in one effective breach earning 4 OPRA points.** This is to reflect the minor nature of the incident as a whole, but serves as a reminder that permit conditions must be adhered to, and improvements to the system must be reviewed to prevent a reoccurrence of the incident.

1. Summary – List of recommendations and Actions.

- i. Condition 2.5.1 breach – Cat 3 issued for a failure in the waste handling system which resulted in a fire.
- ii. Condition 2.2.4.1 breach – Cat 3 issued for failure to prevent or reduce fugitive emissions from a regulated facility. Both conditions merged to form one effective breach earning 4 OPRA points.
- iii. Site to undertake a review of the Accident Management Plan and submit the updated plan to NRW within 3 months of the data of this CAR form - due 7th Oct 2016. END.

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EPR Compliance Assessment Report

**Report ID:
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Site	Waunarwydd EPR/BX9846ID	Permit Ref	BX9846ID
Operator/Permit holder	Timet UK Ltd	Date	09/06/2016

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.

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.

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			
B4	C3	Review Accident Management plan and submit for approval due 7th Oct 2016 (3 month time limit)	07/10/2016

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.