

Compliance Assessment Report CAR_NRW0042441

Permit being assessed: ZP3098FC.

For: Gwrthwynt Waste Transfer Station, held by Mrs Lowri Mair Evans and Mr Lindley Tobias Evans

At: Gwrthwynt, Beulah, Newcastle Emlyn, Ceredigion, SA38 9QE.

Type of assessment carried out: Report/Data Review, Reason: Incident Response (Incident number 2305764).

On 11/10/2023.

Parts of permit assessed: Emissions, Accident, Emergency & Incident Planning

NRW Lead Officer: Liz Park.

Report sent to: Lindley Evans/ Dave Ford, Operator and TCM/ H&S Manager on 11/10/2023.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
D2 - Incident Management - Accidents, emergency and incident planning	Action only (X)	
C2 - General Management - Management system and operating procedures	Action only (X)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
0	0

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
D2	Review management system, particularly with respect to fire	15/11/2023
C2	Review, amend and submit management system documents to NRW	15/11/2023

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

This report has been produced following a fire that occurred at Gwrthwynt Waste Transfer Station on Saturday 22 July 2023. The site has not been attended.

On Saturday 22 July 2023 at approximately 21:00 the permit holders, Mrs Lowri Evans and Mr Lindley Evans, were informed of a fire at Gwrthwynt Waste Transfer Station by a neighbouring householder and farmer. The householder informed the permit holders that they had already called the emergency services. Lindley Evans immediately attended the site whilst Lowri Evans arranged for two local site operatives to attend the site.

The site operatives identified that the source of the fire was in the 'black bag' storage bay within the sorting shed. They accessed water contained in two jetting vehicles which were on site and used this to help suppress the fire and prevent it spreading whilst awaiting the arrival of the Mid & West Wales FRS (MWWFRS). MWWFRS had concerns that the roof of the building contained asbestos. Once it was established that no asbestos was present the MWWFRS used water and foam to extinguish the fire by 02:00 on Sunday 23 July. The affected waste was then removed from the building, further doused in water and placed into skips. The skips were placed within the Oil Water Interceptor to capture any run-off.

NRW have been informed that due to the weather conditions at the time of the fire, raining and prevailing wind from the south west, there was little smoke produced and any that was produced dispersed over fields to the east of the site therefore having little impact on human receptors.

NRW have been informed that the fire suppression liquids were largely contained within the site drainage system which all flows into an Oil Water Interceptor. Following the fire, the drains and gullies leading to the Oil Water Interceptor and the separator content were emptied. The fire fighting effluent was sent to a suitably permitted facility and NRW have been provided with a copy of the Hazardous Waste Consignment Note.

Following the fire, the site's Health and Safety Manager provided NRW with a Fire Investigation Report. The cause of the fire is not known but is thought to have been a battery within the waste.

The permit was last varied on 13 August 2015 and therefore does not yet have a 'Fire' permit condition requiring the site to 'manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance'.

On 15/09/2023 Liz Park requested, via the Health and Safety Manager, copies of **all** the management system documents for Gwrthwynt Transfer Station and was sent copies of the following two documents.

Health and Safety Management Manual v5 dated 22/07/2022

and

Integrated Business Management System v5 dated 21/05/2021

Both documents refer to DI Evans Cyf. However this permit is held by two individuals, Lowri Evans and Lindley Evans. Therefore, to use these documents to comply with permit condition 1.1.1 (as detailed below) there must be documentation to show that Lowri Evans and Lindley Evans, as individuals also use specified sections of these documents. Not all sections would be relevant as they are individuals and not a company.

1.1.1 The operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints

Further more a review of these documents show that they alone do not show compliance with permit condition 1.1.1. It is considered that there may be further documents available that have not been sent by the Health and Safety Manager. Therefore this will be discussed and reviewed at an announced compliance visit with the permit holders and the Health & Safety Manager which will be arranged shortly.

With respect to this incident, the **Health and Safety Management manual** in section 4.4.7 only refers to a **Fire Safety Procedure**, and does not contain any information regarding fire. The **Fire Investigation report** dated 11/08/23 recommends the review and amendment of IMP 4.17.01 **Fire Response Plan and Fire Risk Assessment**. However, a copy of this document has not been provided.

The site must have an accident plan that clearly covers what the site would do in the event of a fire. As a minimum we expect:

- identification of any sites/organisations that may need to be informed such as local receptors, highways, utility companies
- liaison with the fire brigade to ensure they are aware of the risk from your site.

Should this information be provided in the current written **Fire Safety Procedure** referred to in the **Health and Safety Management System** or the **Fire Response Plan and Fire Risk Assessment**, then please provide a copy of this document.

However, it is strongly recommended that the site works towards managing and operating activities in accordance with the current, relevant guidance: [Fire Prevention and Mitigation Plan Guidance - Waste Management](#).

The key document for the Fire & Rescue Service is a site plan(s) which identifies the location of wastes, drainage, emergency kits or equipment for fire fighting plus other details. It is recommended that a site plan is produced and a copy stored in a fire box next to the site entrance. To avoid confusion and a delay to fire fighting, confirmation that the roof does not contain asbestos containing material can be clearly labelled. It is recommended that the fire guidance is used to update the waste storage plan or produce an additional plan showing the required information in How to Comply and the fire Guidance. And a laminated copy of the plan incorporating emergency contact numbers be made available in a fire box at the site entrance.

D1 - Accidents, Emergency and incident planning - Permit Condition 1.1.1a

Action - Please review and provide copies of all documents that form the management system, including an accident management plan which must include details for fires, specifically for Gwrthwynt in the name of Lowri Evans and Lindley Evans - by 15/11/2023

Technical Competence - Continuing competence certificate

Liz Park requested a copy of Lindley Evans continuing competence certificate which was received on 15/09/2023 showing his continuing competence to be current.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or 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
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.