

Compliance Assessment Report

Report ID:
CAR_NRW0034094

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

Site	Unit 41	Permit Ref	PB3490HV		
Operator/Permit holder	Pembrokeshire County Council				
Regime	Waste Operations				
Date of assessment	23/10/2018	Time in	N/A	Out	N/A
Assessment type	Site Inspection				
Parts of the permit assessed	D2 Accident, Emergency and Incident Planning namely FPMP				
Lead officer's name	Davies, Eleanor				
Accompanied by					
Recipient's name/position	Sarah Edwards/ Project Manager	Date issued	23/10/2018		

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
D2 - Incident Management - Accidents, emergency and incident planning	C3	3.5.1

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

On 13th December 2017 Natural Resources Wales (NRW) issued a permit variation to Sundorne Products (Llanidloes) Limited. Within this variation condition 3.5 was added which states 'The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance'. In August 2017, Natural Resources Wales published Version 2.0 of its Fire Prevention & Mitigation Plan Guidance – Waste Management. This replaced version 1 of the Guidance.

On 28 March 2018 Potters Ltd submitted a Fire Prevention and Mitigation Plan (FPMP) to Natural Resources Wales for Unit 41, Pembroke dock which was under their control at the time. Following review of your FPMP in accordance with Fire Prevention and Mitigation Plan Guidance – Waste Management Version 2 August 2017 (guidance), I have the following comments and associated updates that are required to the FPMP. These comments have been written in conjunction with your regulatory officer.

The FPMP guidance sets out what *must* be in your FPMP, and what *should* be in you FPMP. The comments have been divided in to these sections. For the "*must*" requirements you are required to include these in your FPMP. For the "*should*" requirements, please consider these, give alternatives or explain why they may not apply to your operations.

Section 5 - Fire Prevention and Mitigation Plan Contents

Following review of your FPMP it does not contain the following requirements as set out in the above section of the guidance.

- A clear area must be established around the perimeter of site; this can vary depending on the layout of your site and permitted stack sizes in accordance with the separation distances as illustrated in table 2 (this must be available at all times and identified as part of the site plan).

While this has been mentioned in section 5.1 of your FPMP no measurements have been given nor has it been marked on the site plan.

- Contact details of sensitive receptors within 1km of your site. To protect sensitive receptors, does the plan include measures that will be used to raise the alarm and to inform local residents, e.g. local school, nursing home etc. These measures will be site specific. Operator may need to check emergency planning procedures with Local Authority.

You must include these requirements in your FPMP

Action: The above requirements of the guidance must be included in a revised FPMP.

Section 5 - Site Plan

Following review of your site plan it does not contain the following requirements as set out in the above section of

the guidance.

- any areas where hazardous materials are stored on site (location of gas cylinders, process areas, chemicals, piles of combustible materials, oil and fuel tanks);

Waste storage area is identified but no mention of Hazardous materials - does this mean there are none?
Worth Clarifying if so.

- access points around the site perimeter to assist firefighting – see table in guidance for typical FRS vehicle access requirements;

- areas of natural and unmade ground;

Not included on map but may not be present.

- the location of plant, protective clothing and pollution control equipment and materials;

- drainage systems, foul and surface water drains, and their direction of flow and outfall points (there is some information within your FPMP on location of interceptor and storage tank but lacks detail);

While this information does appear to have been included, the plan is very detailed and therefore difficult to read at the current size.

- location of “off- site” emergency information pack with site plan;

- location of key receptors such as critical infrastructure, schools, hospitals, residential areas, workplaces, protected habitats and rivers within 1km of the site;

- Risks posed to people, the environment and property;

Section 2.1 of the of the plan talks about evacuating site but there is no direct discussion of the risks posed.

- Availability of firewater containment facilities;

While this is mentioned in the plan no details are given as to how this would be done.

- Local topography, weather conditions and fire scenarios that could reasonably be expected on site.

You must include these requirements in your FPMP

Action: The above requirements of the guidance must be included in a revised FPMP.

Section 6 - Common causes of fires and preventative measures

Following review of your FPMP it does not contain consideration of the following requirements as set out in the above section of the guidance.

- Batteries within waste deposits
- Leaks and spillages of oils and fuels

You must include these requirements in your FPMP

Action: The above requirements of the guidance must be included in a revised FPMP.

Section 8 - Managing Waste Material Stacks and Separation Distances

From the information provided and assessed on material stacks and separation distances, it does not meet the requirements in Table 2 and Graph 1 of the guidance. You must review your proposed stack sizes alongside the requirement to include the location within the site where each type of waste will be stored, the maximum size of any waste pile, stipulating the maximum length, width and depth and submit a revised version. Simply having access all around an unquantified pile of waste does not meet the requirements of Table 2 and Graph 1 of the guidance.

You must include these requirements in your FPMP

Action: The above requirements of the guidance must be included in a revised FPMP.

Section 23 - During and after an incident.

Following review of your FPMP it does not contain consideration of the following requirements as set out in the above section of the guidance.

- Diverting incoming wastes to alternative sites during a fire
- Having a plan for how you will notify those who may be affected by a fire, such as nearby residents and businesses

You must include these requirements in your FPMP

Action: The above requirements of the guidance must be included in a revised FPMP.

Fire Prevention and Mitigation Plan Guidance - Waste Management "should" requirements

Section 7 - storage times and self-combustion factors

Within this section of the guidance there are a number of fire prevention principles that should be considered. While many of these factors have been considered it appears as though the principles have been included in the plan however there isn't enough information as to the outcomes of these considerations. For example:

- Reduce risk factors (e.g. exposed metal content, proportion of fines, mixing of materials and heat generated during treatment). While this sentence has been included within the plan there is no further indication of how these risk factors will be assessed or what will be done with the resulting information.

This is the same for:

- Control moisture levels
- Demonstrate good stock rotation for all stored materials and show how this is monitored and implemented daily
- Store material in its largest form prior to processing e.g. do not undertake preparatory treatments such as size reduction of green waste unless you are intending on submitting the waste to the treatment process immediately
- monitor and control sub-surface temperature and moisture content with a suitable thermal device (thermal probe/thermal camera) and ensure that this is capable of reaching all parts of a stack (if materials are stored in plastic wrapping you must

demonstrate a sampling and testing protocol to ensure a representative number of bales (minimum 10%) are assessed during monitoring

- detect and control hotspots within stacks (**Note:** steam is a good indicator of self-heating)
- define the maximum storage time of all materials on site and show how this will be monitored and controlled
- Minimise external heating during hot weather by shading from direct sunlight.

You should consider these requirements in your FPMP

Action: The above requirements of the guidance should be considered in a revised FPMP.

Section 8 - Managing Waste Material Stacks and Separation Distances

Following review of your FPMP it does not contain consideration of the following requirements as set out in the above section of the guidance.

- Manage all stacks to within the maximum sizes and minimum separation distances
- Enable easy access for emergency vehicles around the whole site

While both of these principles have been mentioned within the plan there is no further information as to what / how these will be managed.

You should consider these requirements in your FPMP

Action: The above requirements of the guidance should be considered in a revised FPMP.

Section 11 - Enclosing stacks using bays and walls

Following review of your FPMP it does not contain consideration of the following requirements set out in the above section of guidance.

- 120 minute fire resistance period
- full and frequent stock rotation and how this will be monitored and recorded
- how you intend to check temperature and moisture content of all the material within the bay so that the entire volume of the pile receives representative checks
- the construction of the walls in terms of how they offer a thermal barrier and enable cooling
- how calculation of flame height and radiation has been taken into account in preventing the spread of fire between piles
- prevention of brands or lighted material moving outside the bay walls
- the frequency and method of turning piles

You should consider these requirements in your FPMP

Action: The above requirements of the guidance should be considered in a revised FPMP.

Section 12 - Waste stored within a building

Following review of your FPMP it does not contain consideration of the following requirements set out in the above section of guidance.

- Ensure the stack sizes and separation distances are appropriate to the risk. Table 2 can be used as a starting point but not absolute guidance for internal storage. General principles should be adopted.

You should consider these requirements in your FPMP

Action: The above requirements of the guidance should be considered in a revised FPMP.

Section 14 - Layout of waste stacks on site.

Following review of your FPMP it does not contain consideration of the following requirements set out in the above section of guidance.

- Location of occupied buildings and high-asset value equipment and plant.
- Location of flammable and/or hazardous substances kept on site, such as gas cylinder cages, diesel tanks, quarantine areas which may contain non-conforming wastes etc.
- Proximity and location/s of any infrastructure which may be affected by a fire, such as overhead power lines, major roads, rail lines etc.
- Proximity and location/s of any off-site, third party buildings which may be affected by a fire
- Permitted amounts of wastes, and types of waste, allowed on site

You should consider these requirements in your FPMP

Action: The above requirements of the guidance should be considered in a revised FPMP.

Section 15 - Seasonality and waste stack management

Following review of your FPMP it does not contain consideration of the following requirements set out in the above section of guidance.

- provide a technical assessment that shows you have confidence that your proposal will be viable in foreseeable market conditions – this should prove the suitability of materials, the resilience of the supply chain and end user outlets

- If the materials on your site are subject to seasonal variation in demand and/or supply you should demonstrate how you intend to manage these variations. You should be able to demonstrate how you will follow the principle of “first in, first out” so that wastes are stored for no longer periods than indicated in Table 1

You should consider these requirements in your FPMP

Action: The above requirements of the guidance should be considered in a revised FPMP.

Section 16 - Monitoring and turning of stacks

Following review of your FPMP it does not contain consideration of the following requirements set out in the above section of guidance.

- Piles are monitored regularly and temperature increases and changes in moisture content are minimised.

While this has been mentioned there are no specifics of how this will be done.

- They must explain what indicators they will use in relation to temperature and moisture content and the escalation of actions in relation to these indicators.

While this has been mentioned there are again no details on what the indicators are or what actions will be taken.

You should consider these requirements in your FPMP

Action: The above requirements of the guidance should be considered in a revised FPMP.

Section 23 - During and after an incident

Following review of your FPMP it does not contain consideration of the following requirements set out in the above section of guidance.

- Diverting incoming wastes to alternative sites during a fire.
- Having a plan for how you will notify those who may be affected by a fire, such as nearby residents and businesses.

You should consider these requirements in your FPMP

Action: The above requirements of the guidance should be considered in a revised FPMP.

Section 24 - Reviewing and Monitoring your fire prevention and mitigation plan

- Has the applicant described methods and procedures used to maintain compliance as a separate section within your fire prevention and mitigation plan?

You should consider these requirements in your FPMP

Action: The above requirements of the guidance should be considered in a revised FPMP.

Additional Comments

Much of the FPMP states word for word the requirement as set out within the guidance without any further discussion or elaboration of how the requirements will be met. As such it appears as though a significant amount of the FPMP has been included to 'tick the box' rather than having been considered and in relation to the running of the site.

Non-Compliance Score

Condition 3.5.1 states “The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.” The current FPMP submitted by Sundorne Products (Llanidloes) Limited does not meet the requirement set out in the current, relevant fire prevention plan guidance. This non-compliance has been scored a CCS3 under

Please provide a date for agreement with NRW, for when you will provide an updated FPMP taking account of the points highlighted above by 6th November 2018.

Failure to provide a date for agreement and submission of a revised FPMP, may result in a Regulation 36 Notice being served.

END

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034094**

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

Site	Unit 41	Permit Ref	PB3490HV
Operator/Permit holder	Pembrokeshire County Council	Date	23/10/2018

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.

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.

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			
D2	C3	provide a date for agreement with NRW, for when you will provide an updated FPMP taking account of the points highlighted and submit a reviewed FPMP by the agreed date.	06/11/2018

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.