

Compliance Assessment Report

Report ID:
CAR_NRW0034381

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

Site	Neath Abbey Wharf	Permit Ref	UP3898FQ		
Operator/Permit holder	Sims Group U K Ltd				
Regime	Waste Operations				
Date of assessment	21/01/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Fire Prevention and Mitigation Plan				
Lead officer's name	Davies, Gareth				
Accompanied by					
Recipient's name/position	Richard Morgan/ Site Manager	Date issued	21/01/2019		

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	3.6.1

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 29 June 2017, Natural Resources Wales issued SIMS Group UK Ltd with a permit variation, reference EPR/UP3898FQ. The permit variation included Section 3.6 Fire. Condition 3.6.1 states that: The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.

On 28 September 2017, you provided Natural Resources Wales with your Fire Prevention and Mitigation Plan (FPMP). 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 as musts out in the above section of the guidance.

- the minimum separation (fire break) distance between waste piles or storage areas
- 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 on your site plan)
- the fire prevention techniques used, including management of hotspots (sign of potential self-combustion), monitoring, reporting, recording and actions
- techniques used to minimise the risk of fire spreading within the site or from the site
- the steps and procedures to be followed if a fire occurs on your site
- all combustion products and emissions (to air, land and water) from the fire and the emergency response (including the impact on people, critical infrastructure and the environment) and how they will be minimised. Operator needs to recognise the pollution impact of smoke and fire water and impact on environment and people.
- 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.

The guidance requires that you should also include the following actions to be taken should a fire occur.

- reducing the amount of firewater run-off generated - use sprays and fogs rather than jets
- recycling firewater if it's not hazardous and it's possible to reuse

Action: You shall include these requirements/actions in your FPMP. Where any of these requirements have not been included a justification shall be provided.

Section 5 - Site Plan

Following review of your site plan it does not contain the follow requirements as set out as musts in the above section of the guidance.

- main access routes for fire engines and any alternative access
- access points around the site perimeter to assist firefighting – see table in guidance for typical FRS vehicle access requirements
- hydrants and water supplies
- the location of plant, protective clothing and pollution control equipment and materials
- the location of drain covers and any pollution control features such as drain closure valves and firewater containment systems
- location of "off- site" emergency information pack with site plan (as specified above)
- location of key receptors such as critical infrastructure, schools, hospitals, residential areas, workplaces, protected habitats and rivers within 1km of the site

You must include these requirements in your site plan.

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 information on the following causes of fire and the preventative measures you can take to reduce the risk at your site.

- Ignition sources
- self-combustion (e.g. due to chemical oxidation)
- plant or equipment failure
- discarded smoking materials
- hot loads deposited at the site – reference is made to hot loads being put in the quarantine area, but no information is provided on their detection
- Batteries within waste deposits
- Cylinders stored at site
- Leaks and spillages of oils and fuels. No information has been provided on sc

Action - You shall include information on the following causes of fire and the preventative measures you can take to reduce the risk at your site in your FPMP. Where any of these measures not been included a justification shall be provided as to why it has not been considered or included.

Section 7 – Storage Times and Self-combustion Factors

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

- minimise stacks sizes (small stacks with appropriate separation are safer than one larger one)
- routinely turn stacks

You must include these requirements in your site plan.

Action: The above requirements of the guidance must be included in a revised FPMP. If the operator wishes to store wastes at risk of self-combustion, namely tyres for longer than 3 months then further justification and mitigation must be provided.

Section 8 – Managing waste material stacks and separation distances

From the information provided within your FPMP, it was not possible to assess your plan in accordance with the above section of the guidance.

NRW considers that all metal waste shall be considered as part of a site FPMP as specified in Section 2 of the guidance. It appears that a standard separation distance of 6 metres has been used. Has this been based on Table 1 and 2 within the guidance.

Action – You must demonstrate how you intend to comply with this section of the guidance.

Section 9 Storage of end of life vehicles (ELVs)

From the information provided within your FPMP, it was not possible to assess your plan in accordance with the above section of the guidance.

- You must ensure that any LPG tanks within vehicles have been safely removed.
- It was not possible to assess the storage arrangements based on the information provided on the site plan as well as any required separation distance from waste tyres.

Section 11 – Enclosing Stacks Using Bays and Walls

Following review of your FPMP it does not contain the following requirements as set out as should in the above section of the guidance. It is NRW's understanding that bays / walls are used in the lower area adjacent to the river Neath for separating different waste types.

Action - You shall include the above information on enclosing stacks using bays and walls. Where any of these measures have not been included a justification shall be provided as to why it has not been considered or included.

Section 13 – Waste Stored in Containers

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

- You should be able to move containers as soon as is reasonably practicable in a safe manner to prevent the fire spreading. You should set out in your FPMP the procedures you will put in place to allow this to happen.
- The waste types that are stored in containers should be included so an appropriate assessment can be carried out.

Action - You shall include the above information on waste stored in containers. Where any of these measures have not been

included a justification shall be provided as to why it has not been considered or included.

Section 15 Seasonality and Waste Stack Management

Following review of your FPMP it does not contain any information in relation to the above section of the guidance.

Action: You shall include information on seasonality and waste stack management. Where any of these measures have not been included a justification shall be provided as to why it has not been considered or included.

Section 16 Monitoring and Turning of Stacks

Following review of your FPMP it does not contain any information in relation to the above section of the guidance set out as musts.

- Staff must be trained to detect and manage hotspots.

Action – You must demonstrate how you intend to comply with this section of the guidance based on the potential to use heat detection equipment to monitor hot-spots.

Following review of your FPMP it does not contain any information in relation to the above section of the guidance set out as should.

- Piles are monitored regularly and temperature increases and changes in moisture content are minimised.
- The equipment they use to detect temperature and moisture content must be capable of operating at any depth throughout the pile. Therefore, if they are proposing to have a stack 4m deep, their probe must be capable of operating the depth of the proposed stack.
- 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.

Action: You shall include information on seasonality and waste stack management. Where any of these measures have not been included a justification shall be provided as to why it has not been considered or included.

Section 17 – Fire Detection

Mid and West Wales Fire and Rescue Service will be consulted on this FPMP in due course and will provide appropriate comments on the above section of the guidance.

Section 18 – Fire Suppression Systems

Mid and West Wales Fire and Rescue Service will be consulted on this FPMP in due course and will provide appropriate comments on the above section of the guidance.

Section 19 – Firefighting Strategy

Mid and West Wales Fire and Rescue Service will be consulted on this FPMP in due course and will provide appropriate comments on the above section of the guidance.

Section 20 – Water Supplies

No information on supply rate of the hydrant that has been provided

Mid and West Wales Fire and Rescue Service will be consulted on this FPMP in due course and will provide appropriate comments on the above section of the guidance.

Section 21 – Managing Water Run-off

Following review of your FPMP it does not contain any information in relation to the above section of the guidance set out as should.

- Where will any firewater run-off go?
- How will the firewater be contained either within secondary or tertiary containment?

Mid and West Wales Fire and Rescue Service will be consulted on this FPMP in due course and will provide appropriate comments on the above section of the guidance.

Section 22 – Designated Quarantine Area

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

- The quarantine area should hold at least 50% of the volume of the largest stack.
- The quarantine area should have a separate distance of at least 6 metres around the quarantined waste.

Action - You shall include information on a designated quarantine area. Where any of these measures have not been included a justification shall be provided as to why it has not been considered or included.

23 – During and After an Incident

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

- contractors that might be used to assist with additional plant for firefighting techniques, removal of waste material, containment and removal of excess water run-off
- 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.

Additional Comments / Observations

From reading the site drainage plan, it appears that in the area to the South East of the drainage system that drainage coming from the shear and engine storage area could bypass the interceptors on site. A zoomed in area of the plan can be seen below with the specific area highlighted.

Please could confirmation of the drainage in this area be provided.

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 SIMS Waste Management Limited does not meet the requirement set out in the current, relevant fire prevention plan guidance. This noncompliance has been scored a CCS3 under D2 - Incident Management - Accidents, emergency and incident planning.

Please provide a date for agreement with NRW, for when you will provide an updated FPMP taking account of the points highlighted above by 18 January 2019

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

Consultation with Mid and West Fire and Rescue Service (MWWFRS)

NRW will be consulting with MWWFRS once the above actions have been completed. Any comments from MWWFRS will be provided under separate cover, but shall be considered linked to this Compliance Assessment Report. You may be required to update your FPMP following comments from MWWFRS.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012. You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The

Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency in Wales.

END

EPR Compliance Assessment Report

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

Site	Neath Abbey Wharf	Permit Ref	UP3898FQ
Operator/Permit holder	Sims Group U K Ltd	Date	21/01/2019

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			
D2	C3	Provide a date for agreement with NRW, by which a revised FPMP shall be submitted.	01/02/2019

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.