

## Compliance Assessment Report

Report ID:  
CAR\_NRW0034444

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

Site	Thomas Brothers	Permit Ref	VP3598FA		
Operator/Permit holder	Phillip Anthony Thomas & Stephen Charles Thomas				
Regime	Waste Operations				
Date of assessment	11/01/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	FPMP				
Lead officer's name	Ellar, David				
Accompanied by					
Recipient's name/position	Stephen Thomas/ permit holder	Date issued	11/01/2019		

### 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	3.4.1

**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.

<b>Number of breaches recorded</b>	1	<b>Total compliance score</b> (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 1 August 2017, Natural Resources Wales published an updated version to standard rules set SR2008 No3. Thomas Brothers (TBS) hold an environmental permit EPR-VP3598FA to operate under this standard rules set.

Condition 3.4.1 of the revised standard rules set 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 November 2017, you submitted your Fire Prevention and Mitigation Plan (FPMP) to Natural Resources Wales. Following a 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 that need to be made 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. 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.

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

- - The amount and type of waste received daily and how it is managed;
  - the total amount of waste and the types and forms (e.g. unprocessed, shredded, chipped, fines or baled) that are stored on site at any one time;
  - detail on how each waste is stored;
  - 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)
  - Information on 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.

You must include these requirements in your FPMP

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

In this document the section numbers in the subheadings refer to the sections in the Fire Prevention and Mitigation Plan Guidance – Waste Management Version 2 August 2017 (guidance) and not your FPMP.

## **Section 5: Site Plan**

The FPMP must include a site plan drawn to scale. Section 5 of the guidance sets out what must be included. Your site plan (appendix A of your FPMP) does not include the following:

- any areas where hazardous materials are stored on site (location of gas cylinders, process areas, chemicals, piles of combustible materials, oil and fuel tanks);
- 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;
- areas of natural and unmade ground;
- 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);
- 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;
- Location of the quarantine area.

You must include these requirements in your site plan

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

## **Section 6: Common Causes of Fires and Preventative Measures**

There are several references made to ‘firefighting equipment’ in this section of your FPMP. Further details of the firefighting equipment and location should be included in a revised FPMP. Section 4.1.9 refers to a ‘Fire Watch’, but there are no further details throughout the FPMP. Further explanation of what the fire watch is should be included in an updated FPMP.

**Action: Information on type and location of firefighting equipment and further details on the Fire Watch should be included in an updated FPMP.**

Section 4.2.1 states that sensitive receptors have been marked. It is not evident where these have been marked within the FPMP or supporting appendices. The sensitive receptors must be included in an updated FPMP.

**Action: Sensitive receptors that have been identified must be marked on the site plan or in another appendix.**

## **Section 7: Storage Times and self-combustion factors**

Whilst your FPMP does cover some issues regarding storage times and self-combustion factors, more information should be included on the following:

- Reducing risk factors e.g. exposed metal content, proportion of 'fines', mixing of materials

and heat generated during treatment);

- Minimising stack sizes;
- Controlling moisture levels;
- Demonstrating good stock rotation for all stored materials and show how this is monitored and implemented daily;
- How stacks will be monitored and controlled regarding sub-surface temperature and moisture content.
- Storage times of all wastes on site.

Information on the above was not included as part of your FPMP.

**Action: Information on storage times and self-combustion identified above should 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.

**Action: Stack sizes and separation distances must meet the requirements of section 8 of the FPMP and guidance and detail on maximum stack size and location must be included in a revised FPMP.**

### **Section 11: Enclosing Stacks Using Bays and Walls**

Section 5 of your FPMP refers to 'storage bays constructed of 100mm thick shuttered concrete walls. The guidance states that for bays and stacks you should be able to provide information on the following:

- - Fire resistance period (guidance states 120 mins);
  - full and frequent stock rotation and how this will be monitored and recorded;
  - protection from wind;
  - 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;
  - prevention of bridging across or around walls;
  - how a 'freeboard' space at the top and sides of the walls will be physically retained at all times in accordance with the latest available guidance.

Information on the above was not included as part of your FPMP.

**Action: Enclosing Stacks Using Bays and Walls guidance should be considered, and information provided in a revised FPMP.**

### **Section 12: Waste Stored Within a Building**

Your FPMP does not contain consideration on the following general principles for fire prevention and mitigation of fires where waste is being stored inside a building. (As the site is covered by a roof we consider the whole waste operation to be carried out within a building):

- • Ensure waste stack sizes and separation distances are appropriate to the risk. Table 2 of the guidance can be used as a starting point but not absolute guidance for internal storage.
- Consider the use of fire walls/bunkers.
- Separation between internally stored wastes and building walls, plant & other equipment within buildings will need to be considered. In general fires in internally stored wastes are far more likely to spread to buildings and plant than for externally stored wastes. As a result, your insurer is likely to place more emphasis on internal storage than external storage fire management. You should seek advice from your insurer to ensure that you have met any requirements for fire detection and fire suppression.
- You must ensure that all escape routes, fire exits, alarm call points and fire extinguishers are kept clear and free from waste at all times
- Ensure electrical equipment and heaters are kept free from waste, including dust and packaging materials.
- Waste storage areas should be fire compartmented away from office areas.
- Waste storage areas should have some means of clearing smoke from the building, such as openable skylights or roller shutter doors, to aid fire-fighting.

Information on the above was not included as part of your FPMP.

**Action - You shall include information on the above requirements for storage of waste within a building. Where this measure has not been included a justification shall be provided as to why it has not been considered or included.**

### **Section 13: Waste Stored in Containers**

Section 5.5 states that plastics will be stored in a hooklift skip. The guidance states that if you store waste in containers then they must be accessible, so any fire inside can be extinguished. Your FPMP does not commit to this.

The guidance also states that If you have a fire, 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. There are no such procedures in your FPMP

Action: You must show that the container any container that has a capacity of holding more than 1,100 litres of waste is accessible. A statement or commitment to this must be included in a revised FPMP.

**Action: You should consider procedures for the movement of containers should a fire occur. These procedures should form part of a revised FPMP**

### **Section 15: Seasonality and Waste Stack Management**

The guidance states you should include the following in your FPMP:

- - 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

Information on the above was not included as part of your FPMP.

Action: Information on seasonality and waste stack movement as detailed above should be considered and provided in a revised FPMP.

## **Section 16: Monitoring and Turning of Stacks**

The guidance states you should include information on the following in your FPMP:

- Are staff trained to detect hot spots;
  - How piles of waste are monitored for temperature and moisture;
  - The equipment you use to detect temperature and moisture content.
- Information on the above was not included as part of your FPMP.

Action: Information on monitoring and turning of stacks should be provided in a revised FPMP.

## **Section 17 – Fire Detection**

Comments to be provided by Mid and West Wales Fire & Rescue Service Section

## **Section 18 – Fire Suppression Systems**

Comments to be provided by Mid and West Wales Fire & Rescue Service Section

## **Section 19 – Firefighting Strategy**

Comments to be provided by Mid and West Wales Fire & Rescue Service Section

## **Section 20 – Water Supplies**

Comments to be provided by Mid and West Wales Fire & Rescue Service Section

## **21 – Managing Water Run-off**

Some information has been provided on managing fire water run-off in section 9 of your FPMP. More information is required on how TBS will prevent fire water affecting the following receptors:

- The local groundwater and surface water bodies;
- Any well, spring or borehole within 50m used for the supply of water for human consumption, including private water supplies.

Information on the above was not included as part of your FPMP.

**Action: Information on managing water run-off as detailed above must be provided in a revised FPMP.**

**Comments may also be provided by Mid and West Wales Fire & Rescue Service Section**

## **Section 22: Designated Quarantine Area**

Your FPMP does not contain the following requirements as set out as should in the above section of the guidance.

- The volume of waste that it can hold;
- Does the quarantine area hold at least 50% of the volume of the largest stack?
- Does the quarantine area have a separation distance of at least 6 metres around the quarantined waste (this can be decreased if concrete bunkers/walls will be used) ?

**Action - You should 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.**

### **Section 23: During and After an Incident**

Your FPMP must have contingency measures in place for dealing with issues during and after a fire, whilst you have included information on diverting incoming wastes and the removal of contaminated material following a fire more information must be provided on the following:

- A plan for how you will notify those who may be affected by a fire, such as nearby residents and businesses;
  - 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;
  - the steps you must take before the site can become operational again.
- Information on the above was not included as part of your FPMP.

**Action: Information on dealing with issues during and after a fire as detailed above must be provided in a revised FPMP.**

### **Additional Comments**

It is essential that you ensure your FPMP is kept up to date to ensure that you maintain compliance. Your FPMP should be treated as a live document and be reviewed regularly to reflect any changes your business experiences. There is no commitment to this in your FPMP. In a future compliance assessment visit, we will undertake an assessment of your compliance with your FPMP.

### **Non-Compliance Score**

Condition 3.4.1 of the permit 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 TBS does not meet the requirement set out in the current, relevant fire prevention plan guidance. This non-compliance has been scored a CCS3 under D2 Incident Management – Accident, 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 **01 February 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

**Report ID:  
CAR\_NRW0034444**

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

Site	Thomas Brothers	Permit Ref	VP3598FA
Operator/Permit holder	Phillip Anthony Thomas & Stephen Charles Thomas	Date	11/01/2019

### 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.

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	A date shall be provided for agreement with NRW, for when 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](mailto: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.