

Compliance Assessment Report

Report ID:
CAR_NRW0035299

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

Site	Asgard Renewables Ltd	Permit Ref	AB3097FU		
Operator/Permit holder	Asgard Renewables Limited				
Regime	Waste Operations				
Date of assessment	25/06/2019	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	Dines, Malcolm				
Accompanied by					
Recipient's name/position	Tom Chaloner/ Site Manager	Date issued	10/09/2019		

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	3.7.1

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

This compliance report form is reviewing the submission by the Operator of Version 1 of their Fire Prevention and Mitigation Plan (FPMP) as required by permit condition 3.7.1 that requires the FPMP to be produced in line with the standards set out in the current fire prevention and mitigation plan guidance. This review is addressing the requirements of Part 5 of the guidance only.

The submitted FPMP does include a lot of detail and covers a lot of what is required by the current guidance however, there are some areas where detail is deficient or not included. Part 5 of the guidance sets out what is required and this compliance report will address those areas that are missing or that require further work.

Part 5 of the guidance require that your FPMP must include:

1) "the amount & type of waste received daily and how it is managed".

There is no reference in your FPMP as to how much waste is received each day, nor how it is managed on acceptance

2) "the total amount of waste & the types and forms (e.g. unprocessed, shredded, chipped, fines or baled) that are stored on site at any one time and how it will be stored"

There is no information as to how the waste accepted as powders and on pallets will be stored. For example, are they stacked on pallets or in boxes, or just in a big pile that might cause those at the bottom of the pile to spilt and spill.

3) "the maximum time each type of waste will be stored on site and how it will be managed".

The storage times are detailed however, the "Monitoring" section states, "No wastes are stored for longer than 3 months.". Your FPMP does detail storage times, but the previous section states that all wastes delivered must be processed within 24 hours, apart from powdered/palleted wastes. Please provide more details in order to clarify this discrepancy. Does "processed within 24 hours" mean that all waste received are stored for no longer than 24 hours and does the claim that no wastes are stored for more than 3 months include the final digestate (which until exported from the site is still technically waste)?

4) "the maximum size of any waste pile, stipulating the maximum length, width and depth".

Your FPMP does include this, but more detail is required as to how the powdered/palleted wastes are stored (see point above as well).

5) "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".

Although this exact requirement is not relevant to the site, it should be made clear within your FPMP that this section has been considered and that there is sufficient access to all parts of the site for all vehicles that the Fire and Rescue Service use.

6) "the fire prevention techniques used, including management of hotspots (signs of potential self-combustion), monitoring, reporting, recording and actions".

Your plan does list physical fire prevention techniques such as fire and smoke detection however, there is nothing in the plan about recording, reporting or actions for fire prevention. Please ensure you include more information about the administrative part of this part of the plan.

7) "Techniques used to minimise the risk of fire spreading within the site or from the site".

There is nothing in your plan that details the techniques or systems that you have in place. Please provide information in your plan as to how you minimise the risk of fire spreading within or from the site.

8) "the steps and procedures to be followed if a fire occurs on your site".

You have provided some information regarding this element of the plan, but the detail is insufficient in the event of the Fire and Rescue Service being called, even if this is that the staff must remain at the fire assembly point and the site is left to burn until the FRS have dealt with the fire.

9) "all combustion products and emissions (to air, land and water) from the fire and the emergency response (including the impact

on the community, critical infrastructure and the environment) and how they will be minimised".

Your plan does not include any detail about the impact in the event of a fire at the site. What smoke may be generated, what particles produced and how long it might burn for. Please ensure that this element is addressed

10) "contact details of sensitive receptors within 1km of your site - Human receptors include hospitals, nursing homes, schools, residential areas, places of work, transport networks. - Environmental receptors include source protection zones, surface waters, potable abstractions, groundwater, protected habitats, fisheries".

Your plan does list some sensitive receptors, but only a "primary" receptor and does not indicate whether or not there are any other receptors within 1km of the site. It is also not acceptable to leave communication with other receptors to a third party. The fire risk and response for your site is your responsibility. Please ensure that the plan is updated to fully address this element of the guidance.

11) "how safe access to the site for fire and rescue services and other emergency responders is achieved"

The only part of your plan that identifies access for FRS and emergency responders is on Plan 1. Confirmation and more detail is needed in the plan that the access is suitable for all vehicles that would be sent to the site and as there is a known risk to site infrastructure from vehicle movements in the tankfarm area, this risk and any mitigation that needs to be put in place needs to be identified in the FPMP.

As stated in the guidance, the above is information that your Fire Prevention and Mitigation Plan MUST include and therefore because this information was not included it is a breach of permit condition 3.7.1 and receives a Compliance Classification System score of 3. Please ensure that your Plan is updated to take into account the above requirements before

EPR Compliance Assessment Report

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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	Make improvements to the Fire Prevention and Mitigation Plan as required	31/07/2019

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.