

Compliance Assessment Report

Report ID:
CAR_NRW0035811

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

Site	I Wood Renewables Ltd	Permit Ref	FP3095ET		
Operator/Permit holder	I Wood Renewables Ltd				
Regime	Waste Operations				
Date of assessment	25/09/2019 - 11/10/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	3.8.1				
Lead officer's name	Thomas, Ffion				
Accompanied by					
Recipient's name/position	Kevin Burke/ Director and site manager	Date issued	11/10/2019		

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
A1 - Specified by permit	A	
D2 - Incident Management - Accidents, emergency and incident planning	C3	3.8.1

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 Assessment Report (CAR) form has been completed following review of the updated version 2 "Fire Management Plan for I Wood Renewables Lyd Waste Transfer Station" submitted on the 25th September via email to NRW in accordance with condition 3.8.1 of the permit and action assigned in previous CAR form.

CAR form NRW0034815 had reviewed the previous submitted version 1 FMP in accordance with Fire Prevention and Mitigation Plan Guidance – Waste Management version 2 August 2017 (guidance)

Within this CAR form assessment of compliance with the actions previously recorded in CAR form NRW0034815 has been undertaken against the submitted updated version 2 "Fire Management Plan for I Wood Renewables Lyd Waste Transfer Station" and I provide the following comments and recorded the outstanding action identified that are required.

Document classification

It is noted that the classification 'Confidential' has been added to this document. IWR should provide a justification as to why it believes this document is commercially confidential. NRW will the review the request and respond accordingly.

Section 8 Managing waste material stacks and separation distances

Following review of your FMP and assessment against the above named section of the guidance it appears the separation distances do not meet the requirements, as set out in the separation distance graph on page 23 of the guidance.

It is noted that the FMP has been updated from version 1 to detail where each waste type is stored and includes dimensions of each pile. However review of the guidance and distance graphs is required. The guidance states:

*Minimum free-air separation distance will depend on stack length (or at their ends width) – the longer the stack the wider the separation distance required. See graph 1, **blue** line to calculate separation distance for your stacks.*

Your FMP stipulates stack lengths of up to 30m, and a 6m distance, It is noted the FMP plan appendix 3 indicates distances between 6 and 10m. However the graphs within the guidance indicates the requirement for such lengths to have a 11m distance.

Action Review the above as you Must demonstrate how you intend to comply with this section of the guidance.

Section 16 Monitoring and Turning of stacks

Following review of your FMP it does not contain the following requirement as set as MUST and SHOULD in the above section of the guidance

- Your staff must be trained to detect and manage hotspots.

Whilst the FMP states All personnel involved in the handling of the product shall undergo appropriate training and instruction relative to their roles and receive regular tool box talks, where there is a change of personnel, procedures or equipment.

Action you should provide details on the type of training and how this will be recorded in order to demonstrate compliance with the FPMP. Who will the training be delivered by and what qualifications do they have to deliver the training.

- The equipment you use to detect temperature and moisture content should be capable of operating at any depth throughout the pile. Therefore, if you are proposing to have a stack 4m deep, your thermal monitoring equipment should be capable of operating through the depth of the proposed stack.

Thermal imaging cameras and infra-red sensors are not capable of penetrating the centre of a waste pile.

Action You Should demonstrate how you intend to record the temperatures of the centre of the stockpile.

Section 20 Water Supply

Comments to be provided by South Wales Fire & Rescue Service

NRW comment- whilst the update provides information on the water availability evidence will need to be provided on the ability for the FRS and their equipment to access the water tanks, such as appropriate couplings or filters if using recirculated water etc.

Action You Should contact the appropriate FRS contact to confirm the appropriate equipment that is required and include this information in your plan.

Section 22 Designated Quarantine Area

Following review of you FMP it does not contain the following requirement as set out as SHOULD in the above section of the guidance

- If you use your quarantine area to store material temporarily (for example, non-permitted wastes) you should make sure you can remove those wastes as soon as is practicable. In the event of a fire, you must remove those wastes immediately. Your FPMP should include details of the procedure you will use to do this.

Action You should provide information on how the designated quarantine area will be managed to meet the above requirement.

Section 23 During and After an Incident

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

- having 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

Reference in your FMP is made to an Emergency contact list, however this list is not included in the document.

Action The above requirements of the guidance Must be included in a revised FPMP. Please include a copy of the Emergency contact list.

Non compliance Breach

Condition 3.8.1 of your 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 IWR submitted version 2 FMP does not meet the requirements set out in the current, relevant fire prevention plan guidance and therefore is in breach of condition 3.8.1

This non-compliance has been scored a CCS Cat 3 under D2 – Incident Management- accidents, emergencies and incident planning.

ACTION

Please provide a date, for agreement with NRW, for when you will submit an updated Fire Prevention Management Plan addressing the above points.

A regulation 36 notice will be considered if no date or submission of an updated FPMP is provided.

Consultation with South Wales Fire and Rescue Service (SWFRS)

NRW have consulted with the SWFRS on the updated submission but may consult further once the above outstanding actions have been completed. Any comments from the FRS will be provided separately but shall be considered linked to this Compliance Assessment Report. You may be required to update your FPMP following comments from SWFRS.

END

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.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035811**

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Site	I Wood Renewables Ltd	Permit Ref	FP3095ET
Operator/Permit holder	I Wood Renewables Ltd	Date	25/09/2019

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	Please provide a date, for agreement with NRW, for when you will submit an updated Fire Prevention Management Plan addressing the above points.	31/10/2019

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.