

Compliance Assessment Report

Report ID:
CAR_NRW0036063

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

Site	The Graig Yffaldau Waste Transfer	Permit Ref	LP3395FJ		
Operator/Permit holder	Powys Environmental Ltd				
Regime	Waste Operations				
Date of assessment	11/12/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Management				
Lead officer's name	Park, Liz				
Accompanied by	Dines, Malcolm				
Recipient's name/position	Tim Richards/ Operator	Date issued	11/12/2019		

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
C2 - General Management - Management system and operating procedures	C2 - Suspended	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)	0
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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

Liz Park and Malcolm Dines, undertook a review of the Fire Prevention and Mitigation Plan (FPMP) v5 provided on 29 October 2019.

The following non-compliance was identified:

C2 – Management System and operating techniques – Permit Condition 3.8.1 – CCS Cat 2

The waste activities continue not to be operated in accordance with a written FPMP using the current, relevant fire prevention guidance which identifies and minimises the risk of fire, therefore at present there is a significant risk to the environment caused by fire.

Action: Please read the review below and the regulation 37 notice dated 26 November 2019. The review has been updated following the provision of FPMPv5. Please see text highlighted in yellow for the additional comments.

As a Regulation 37 Notice is currently active with reference to permit condition 3.8.1, this score has been suspended.

The Review will also be sent as a separate document for ease of reference.

Introduction

A full review of the Fire Prevention and Mitigation Plan (FPMP) has been undertaken. The

Environmental Permit was varied on 9 April 2018 to include the standard Fire permit conditions. FPMPs Versions 1-3 were not considered to have met the permit condition as they did not include all the details required using the Fire Prevention plan guidance.

On 18 July 2019 a Regulation 37 Enforcement Notice of Suspension and Requirement to take steps was issued due to a significant risk of fire (and pollution from a significant amount of waste on permeable land). On Schedule 2 the operator was required to take steps to reduce and mitigate the risk of fire. As part of this process the operator was required to submit an updated FPMP to account for waste stored outside and waste being moved into the building by 30/07/2019. Version 3 submitted on 14 August 2019 made no reference to the significant amount of waste on site. Version 4 which was submitted on 16 August 2019, had been assessed regarding the current situation, and what would be considered 'normal operation', whereby all non-hazardous wastes are stored and treated within the building.

Version 4 contained improvements, however it still did not meet the guidance. This was communicated to Powys Environmental Ltd on 26/09/2019. Version 5 was submitted on 28/10/2019. This document has been updated following a review of Version 5.

Additional Notes

The cover states that the FPMP is for JPR Recycling Ltd. JPR Recycling Ltd are not the permit holders. Therefore, this must be changed to Powys Environmental Ltd. You can include a trading name as well as the correct legal identity. This has been amended.

The FPMP submitted did not contain page numbers. Therefore, pages numbers have been added to a PDF document created for this review. A copy is enclosed. Please ensure all future versions have page numbers. Version 5 contains page numbers.

When 'guidance' is mentioned it is referring to the Fire Prevention & Mitigation Guidance – Waste Management Version 2.

Section 5 – Site Plan

The FPMP site plan (pages 9, 10,11) does not meet the minimum standard set out in the guidance. There are a number of details missing which are described below. The site plan **MUST** include/ have the following:

- It must be drawn to scale – The current version is not to scale. Whilst a scale is on the plan, it is know that the plan has not been drawn to scale.
- It must identify waste processing areas.
- It does not identify where all the combustible waste stored on the site is located. This must

be included. This must refer to the current situation as well as under 'normal operations'. This may require more than one plan.

- It must identify the main access routes for fire engines and any alternative access. The plan does not identify the main route of access. The site is not level, and access is only available at certain points. This is not identified on the plan. Whilst this is acknowledged in the FPMP due to the amount of waste on site, it has not been identified for 'normal operations'. An additional 1:1250 plan entitled 'Fire Engine Access Routes' has been added. This shows where fire appliances could access the site. Checks should be made with MWFRS that this is suitable for all FRS vehicles as the ground is very uneven in places. This needs to be reviewed as waste is cleared.
- It must show access points around the site perimeter to assist firefighting. A red line has been drawn around the perimeter of the plan, however it is known that this is not accessible to fire engines – there are buildings, trees and other structures in the way. This must be reviewed. The red line has been removed from the plan. However no other access points have been shown. If there are none, this should be made clear in the FPMP.
- It must identify hydrants and water supplies. A main fire reel is listed in the key but is not identified on the site plan. This has now been identified on the 'Fire Engine Access Routes'. This is required to be included. Please see section 20 for details regarding water supplies. There are no further details re water supplies.
- Details of watercourse, borehole or well located within or near the site – none have been identified but watercourses are near the site. The only reference is a discharge to a ditch. Other watercourses are nearby and must be identified.
- Location of plant, protective clothing and pollution control equipment and materials – none have been identified. No change.
- Drainage systems, foul and surface water drains, and their direction of flow and outfall points – none have been identified. A drainage plan has been provided. It is noted that the direction of flow has not been identified. It is known that the Leachate tank is not marked in the correct location.
- the location of drain covers and any pollution control features such as drain closure valves and firewater containment systems – the leachate tanks referred to in the FPMP have not been included on the site plan. It appears 'drain bungs' are in one of the offices but this is not clear. The outlet pipe bung is now identified on the Drainage 5. This must be easily accessible.
- location of key receptors – None have been identified on the site plan or within the text. This must be added. There are residential areas within 1k of the site. No change.
- Location of "off-site" emergency information pack. This is stated in the FPMP on page 2 but is not on the site plan. In addition, it is not known to be in place. This is now marked on the site plan. This will be checked when the site is next visited. Please ensure the FPMP in the pack is kept updated.
- Location of quarantine area – whilst it is identified it is not to scale. Please see section 22 for full details. This has been identified but it is not to scale and there is no reference to the largest stack height. This must be amended.

Therefore, there are many improvements that need to be made to the site plan(s) to meet the minimum guidance. Please note that it is acceptable to have more than one site plan to include all the required information.

Section 5 – Actions taken should a fire occur

The guidance includes actions that SHOULD be taken should a fire occur. None of these actions are included within the FPMP. It would be advisable to consider fully what actions can be taken in the event of a fire. The guidance states on Page 10 what you should consider when deciding which options are appropriate. Considering the scale of the waste of site these actions are may be different to those in 'normal operations'. Both situations should be included in the FPMP.

Section 6 – Common causes of fires and preventative measures

A number of common causes of fire and preventative measures have been included in the FPMP on pages 7 & 8. There are some additional causes and preventative measures that you SHOULD consider including.

Self-combustion is a possible cause of fire as waste types that can self-combust are included on the permit.

- With regards to Arson or vandalism it is noted that there is restricted vehicle access, but the site is not secure to pedestrians. This should be included. **This has now been acknowledged.**
- You should detail how visitors & contractors will be made aware of safety and fire prevention measures. **There are no further details on the 'how'. i.e. what is the procedure for ensuring this occurs.**
- The FPMP states that all waste must be kept over six metres away from the biomass boiler (page 7). This is not currently being undertaken and would mean a significant portion of the building was not available for the treatment and storage of waste. Alternative fire prevention methods – such as the use of fire walls should be considered. **There are no additional details.**
- If hot works are being undertaken, then a fire watch should be implemented. This is not included in the FPMP. At present, hot works cannot be undertaken within the waste storage building as a suitable separation distance cannot be achieved.
- You should detail how you would detect dust on hot exhaust and how this is managed. See page 11 of the guidance for details.
- Currently there is a significant amount of loose combustible material on site. No reference to this in the FPMP. You should state how this will be managed.
- 'Waste' gas cylinders are stored in a skip away from the building. Working cylinders are stored within the building. If you click on the link in the guidance you will find further information on the safe storage of cylinder. It is advised that they are stored outside away from building entry/ exit points.
- The FPMP mentions that there would be weekly checks on plant and machinery for leaks and spillages of oil. You should re-consider the frequency of these checks to ensure that there is not a build-up of oils and fuels. **Weekly power washing to prevent mud, dust and any oil on machinery has been added. This will need to be undertaken in an area with**

sealed drainage.

Section 7 – Storage times and self-combustion factors

You are currently storing wastes on site which are at risk of self-combustion. Your FPMP states that all waste stored within the building will not be kept for longer than one week. There are no stock management and rotation procedures. And no amendments have been made to consider the current situation. No additional measures have been put in place to monitor the materials at risk of self-combustion that have been stored for longer than 3 months.

You MUST demonstrate a clear method to record and manage all wastes on site. This MUST be reviewed, and details provided in the FPMP. The guidance states on page 13, general fire prevention principles that you can adopt.

There has been no amendment either or under current site condition or under "normal" compliant operating conditions. This MUST be included.

Section 8 – Managing waste material stacks and separation distances

The guidance must be used when calculating the separation distances. This process must be undertaken. It is not acceptable just to refer to the Graphs (page 5). The FPMP only states that waste must be 6m away from the building. No consideration has been given to stack length, or at ends width. The minimum distance for a 5m stack length or at ends width is given as 5m. In the FPMP it states that there will be a separation distance of 2m (page 11). Whilst it is acknowledged that a fire break is an improvement on having no fire breaks, it does not meet the separation distances in the guidance.

In addition, some of the stack was in excess of the maximum height of 4m.

This section must be reviewed to take into the significant amount of waste that is stored on the site as per the requirements in the Regulation 37 Enforcement Notice.

There has been no amendment to this section. The stack sizes must be calculated using the guidance.

Section 12 – Waste stored within the building.

The Regulation 37 Notice requires that to reduce the risk of fire for waste stored within the building that a step is taken to adopt the general principles for fire prevention and mitigation at all

times as detailed in section 12. Waste stored within a building of the guidance.

These general principles have not been adopted and there are no details within the FPMP. Consideration MUST be given as to how these general principles can be adopted.

It is noted that the office is a separate building away from the waste building. And that the waste building does have means of clearing smoke from the building.

The FPMP does state that all waste will be at least 10m away (noted in Section 6 that the distance is given as 10m) from the biomass boiler. It should be noted that the middle section of the building is just approx. 11m in width. This would mean that a significant section of the building is unavailable for waste storage. You wish to consider alternative fire prevention measures such as a fire wall to increase storage.

Should the building be heated then this can affect the potential for self-heating. This should be considered in the FPMP.

The FPMP now states that waste will be kept for no longer than two months. There is no detail on stock rotation as to how this will be achieved. At present, waste has been stored in excess of two months. The removal of waste causing an issue has been added.

Section 13 – Waste stored in containers

The asbestos container is more than 1,100 litres. There is no mention of this within the FPMP. This MUST be included, and it must be accessible. This has not been added.

Waste wood is stored within a shipping container though at present they are not stacked. This container MUST also be accessible. Please note that for all containers holding waste the appropriate stack sizes apply. If you have a fire you should be able to move containers as soon as reasonable practicable to prevent the spread of fire. There are no details within the FPMP as to how you will achieve this. This SHOULD be included.

Section 14 – Layout of waste stacks on your site

When you consider your stack sizes it is advisable to take into consideration the factors that are described on page 29 of the guidance. You will then be able to plan your storage arrangements.

Section 15 – Seasonality and waste stack management

The guidance includes information on seasonality and waste stack management. You SHOULD be able to demonstrate that your stock management is viable. No assessment of this has been made in your current FPMP.

Section 16 – Monitoring and turning of stacks

You SHOULD be able to monitor your stacks to ensure that temperature increases & changes in moisture content are minimised. At present there are no details regarding monitoring within the FPMP.

Considering the amount of waste that is on site, and the amount of time self-combusting waste has been stored, it is recommended that some form of monitoring is undertaken. And that there are details in the FPMP as to what to do in the event that temperature increases & changes in moisture content are detected.

Section 17 – Fire detection and Section 18 fire suppression systems

There has been no consideration of any fire detection system in the FPMP. You SHOULD consider some form of automatic detection system.

There has been no consideration of any fire suppression system in the FPMP. You SHOULD seek competent advice on the potential installation of a fire suppression system. Please see page 32 of the guidance for full details.

Section 19 – Firefighting strategy

The FPMP mentions that heavy plant is available to move waste around the site. You may wish to consider the use of fire resistant hydraulics.

The use of portable water carriers/ bowzers is not considered in the FPMP. Please see section 20 – Water supplies.

There are no details in the FPMP on how staff are trained.

The FPMP does mention that unburned material will be separated, and that water will be used to cool unburned materials.

The list of equipment of on site for firefighting includes 'a minimum of ten tonnes of soil'. The use of soil can only be used if Natural Resources Wales has agreed that you can do this. There is not an agreement in place at present. Should you wish to use this firefighting strategy then an agreement with Natural Resources Wales must be made.

Section 20 – Water supplies

You MUST be able to demonstrate that you have sufficient water supplies available on site to manage the worst case-scenario. At present, the waste is all in one continuous stack (though it is accepted that this may now have changed). It is unlikely that one mains hose will be able to supply enough water for the worst -case scenario (e.g. one (your largest stack) or more stacks on site are on fire).

Therefore, you MUST consider what alternative water supplies would be available to supplement your mains supply. You must also ensure that you have permission to use the mains water supply without impacting on local supply. In addition, you should contact Mid and West Wales Fire and Rescue Service to ensure that they are able to access your mains supply.

You MUST update your FPMP with respect to water supply. **There have been no updates.**

Section 21 – Managing fire water run-off

You MUST set out how you will prevent fire water affecting groundwater and surface water bodies. At present there is no consideration of this within the FPMP on page 9. The Groundwater Vulnerability risk for the site is classified as Medium Risk for the potential to impact on groundwater. These are medium priority groundwater resources that have some natural protection resulting in a moderate overall groundwater risk. Activities in these areas should as a minimum follow good practice to ensure they do not cause groundwater pollution.

In addition, nearby surface water bodies have not been identified (on the site plan) and considered. The FPMP MUST be amended and these details included.

In addition, you MUST assess whether there are any wells, spring or borehole within 50m used for the supply of water for human consumption, including private supplies. Included that the assessment has been undertaken in the FPMP even if there are none within 50m.

At present the containment for firewater has been given as the two 10,000 litre tanks. Due to the current situation, these tanks would not be suitable for containing firewater. Further consideration needs be given to how fire water would be contained considering the amount of waste currently on site, and potential lack of access for fire water run-off to these tanks as you MUST take all steps that are reasonably practicable to minimise pollution from fire water. **No additional information has been provided.**

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Section 22 – Designated quarantine area

At present the quarantine area that has been identified on the site plan is unavailable as it is full of waste. As soon as practicable possible the quarantine area should be made available. It is mentioned in the FPMP that the quarantine area can hold 50% of the largest stack. The site plan is not to scale so it is unknown what the capacity of the quarantine area is. And the largest stack size has not been identified. This site plan MUST be amended to record the quarantine area.

Further consideration also needs be given to the separation distance around the quarantined waste. There SHOULD be 6m separation distance. This needs to be considered when establishing stack layout as detailed in Section 8.

Section 23 – During and after an incident

An alternative site has been identified to divert incoming waste to during a fire.

You MUST include in the FPMP details as to how you will notify those who may be affected by a fire. At present there is no plan in place. There are residents within 1km of the site. This MUST be included. **This has not been amended.**

Whilst you have considered contractors that might be able to be used for the removal of excess fire water run-off, you have not considered contractors that could assist in firefighting or removal of waste. This MUST be included in the FPMP. **This has not been amended.**

You have included brief details on the steps that you must take before the site can become operational again however this section requires further details. You MUST state how you will clear and decontaminate the site. **This has not been amended.**

Section 24 – Reviewing and Monitoring your Fire Prevention and Mitigation Plan.

You SHOULD have a separate section in the FPMP where you describe methods and procedures used to maintain compliance.

You have stated some circumstances, significant changes to equipment/ buildings/ working methods, that warrant a review of the FPMP. However, there are other circumstances when you SHOULD review the FPMP such as an increase in waste volumes accepted. This should be reviewed. Please see section 24 of the Guidance document.

Conclusion

The submitted FPMP does not follow the minimum standards in the guidance. You must either review and amend the FPMP to meet these minimum standard or justify why you consider that they are not appropriate for this site.

The measures you take instead must be equivalent or better. They must include detailed assessments to satisfy us that the:

- likelihood of fire
 - impact from emissions during or after a fire on local people, critical infrastructure and the environment
 - resources required by the Natural Resources Wales and other emergency responders during an incident
 - post incident clean-up and remediation costs
- are equivalent or less than would be incurred if the site followed the minimum standards in the guidance.

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.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0036063**

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

Site	The Graig Yffaldau Waste Transfer	Permit Ref	LP3395FJ
Operator/Permit holder	Powys Environmental Ltd	Date	11/12/2019

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
C2	C2	Please refer to the Regulation 37 Notice dated 26/11/2019 and the Review of the FPMP v5.	17/12/2019

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.