

Compliance Assessment Report CAR_NRW0036853

Permit being assessed: WP3094FB.

For: ASH Wrexham Recycling Centre, held by Alan's Skip Hire (Wales) Ltd

At: Site One, Redwither Road, Wrexham Industrial Estate, Wrexham, LL13 9RD.

Type of assessment carried out: Audit, Reason: Incident Response (Incident number 2003572).

On 12/08/2020.

Parts of permit assessed: Management System and Operating Procedures; Staff Competency and Training

NRW Lead Officer: Steven White.

Report sent to: Neil Hassall, Thomas Farrell, Director, Compliance Manager on 12/08/2020.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	Action only (X)	
C2 - General Management - Management system and operating procedures	C3 Minor	3.7.1; 1.1.1b; Section 3.2 of FPMP)

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
1	4

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
C1	Staff must undergo regular training on the FPMP, its location, contents and implication procedures	12/08/2020
C2	Updated FPMP, increased training of staff	Already completed

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

This was a review of the site incident procedures and Fire Prevention and Mitigation Plan (FPMP) following the fire at the Wrexham Industrial Estate site on 23/05/2020. Due to the current Covid-19 restrictions and associated NRW guidelines officers did not attend the incident but were on standby to do so should the incident have escalated further. The response to incident on 23rd May 2020 by ASH staff was not in question during this review – the FPMP (Version 2.2) and staff awareness of the FPMP was the main focus.

From accounts of the North Wales Fire & Rescue Service (NWFRS), NRW incident log and ASH incident review the following review was carried out into the incident and FPMP.

- NWFRS received notification at 04:25 and were on site at approx. 05:00, the fire started in the main waste transfer building within the permitted area of the site.
- A total of 156 tonnes of mixed waste was affected by the fire, the main wastes in the building at the time were: mixed municipal waste (20-03-01), cardboard (20-01-01) and transfer station waste (19-12-12).
- The source of ignition is currently unknown, approx. 150T of waste on site was affected by the fire, once this had been dowsed down by NWFRS it was removed during the response to an area separate from the rest of the waste on site; this was then further soaked. The fire lasted for approx. 8 hours and site operatives carried on damping down the waste after NWFRS had left site.
- There was a discharge of fire-fighting runoff from the site interceptor, from the calculation by NWFRS from the water application rates of 120,000 litres per hour a top-end estimate of 100,000 litres of runoff would have entered the Redwither Brook for the two-hour timeframe until the interceptor was blocked.
- Waste was removed off site and transferred to Hafod landfill
- ASH are carrying out their own review into the incident and the site FPMP.

A review into the incident and site FPMP (Version 2.2) by NRW has recorded the following from the comments of the NWFRS Incident Commander:

- FPMP was not given to NWFRS until about 2 hours into incident. NWFRS Incident Commander was made aware of FPMP by NRW standby officer and not by site staff who seemed either unaware of the site FPMP or its contents.
- NWFRS were given a basic black and white map of the site which was difficult to work to (NWFRS were unable to distinguish the drainage plans and site boundary), found the hydrants themselves and were using them before ASH staff informed them of their location
- There was no clear direction during the incident from ASH operatives on how big the site interceptor was; the Incident Commander was told that it was

large enough to last a couple of days, but filled up very quickly and started to overflow. NWFRS were pumping water onto the fire at a rate of 120,000 litres per hour, a top-end estimate of 100,000 litres of contaminated fire-fighting runoff would have entered the Redwither Brook from this overflow over the two hours before the discharge was stopped. The full capacity of the interceptor and any overflow points is not mentioned in the current FPMP for the site. (Improvements have already been put in place on the interceptors discharge points to reduce the chances of a recurrence of a discharge from site)

- NWFRS were also not made aware of the solar panels on the roof of the affected building, these were discovered when the aerial platform was deployed. On discussions with ASH staff there was no-one on site, at the time, who knew how to isolate the solar panels. The current FPMP (Version 2.2) does not include the solar panels on the building in the document; they would need to be included in the next version as they are a potential ignition source on site.

From the feedback of the NWFRS Incident Commander and discussions with the site the FPMP requires updating to including more information on the site drainage (including interceptor capacity and potential discharge points) and information on the solar panels and their isolation procedures.

FPMP's are to be made available to NWFRS at the earliest opportunity and ideally as they enter the site so they have the relevant information and tools to tackle the fire. On this occasion NWFRS were not made aware of the site FPMP until 2 hours after they had arrived on site and notification of the FPMP was by the NRW standby officer.

Preventative measures for fires on the site will need reviewing as something occurred on site that caused a fire to break out, at present the cause of the fire is unknown; it is recommended that the site reviews the waste storage conditions, fire/smoke detection measures, monitoring of stack temperatures and CCTV to ensure that the risk of another fire is reduced.

CCS Scores

Fire Prevention & Mitigation Plan

Permit condition 3.7.1: 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 for the site (Version 2.2) does not include important information on the overall capacity of the interceptor on site, in conversations with NWFRS during the incident it was communicated that the interceptor capacity would last "a few days" whereas it was overwhelmed and discharged through previously unknown points directly into the Redwither Brook. The FPMP does also not include the solar panels as a potential source of ignition for the site. As such the FPMP for ASH Wrexham is recommended to be reviewed by ASH at the earliest opportunity and updated to include the information that was not available during the incident.

Section 3.2 (page 13) of FPMP (Version 2.2) states: Upon arrival of the emergency services, direct them to the fire and provide a copy of the Fire Prevention and Mitigation Plan, including the detailed site maps in Appendix B. This was not done during the incident,

NWFRS officers were not informed of the site FPMP until notified by NRW.

Staff competency & Training (on FPMP)

Permit condition 1.1.1b: The operator shall manage and operate the activities... using sufficient competent persons and resources.

ASH staff need to be aware of the site FPMP, its location and contents; during this incident it is apparent that there is a need for extra training for ASH staff on the site FPMP. Had the staff been aware of the FPMP and its contents, the site interceptor and drainage then the discharge of fire runoff from site would have been decreased from the estimated 100,000 litres. Following investigations by NRW and NWFRS the root cause of the discharge to the brook was the lack of awareness by ASH staff of the FPMP and site drainage. Had NWFRS known of the existence of a FPMP with all the relevant discharge points included sooner then the discharge of fire runoff from site would have been significantly reduced. This has contributed to a potentially significant discharge of contaminated runoff from site to the Redwither Brook totalling an estimated 100,000 litres.

In line with current CCS scoring guidelines a consolidated CCS score of **C3** has been issued against the permit under Management Systems and Operating Procedures

A previous FPMP audit on 15/06/2018 deemed the FPMP and staff knowledge of procedures adequate at the time. However, the fire on 23/05/2020 showed that there were improvements required for both the FPMP and staff awareness of the FPMP and its contents. The FPMP was deemed adequate for the site but needs to be updated with information regarding the site interceptor, location of FPMP on site map, and location and isolation procedures for the solar panels.

It is the conclusion of this review that the lack of knowledge of the FPMP and its procedures, and site drainage by the site operatives at the time of the fire contributed to the potentially significant discharge of contaminated fire runoff from site to the Redwither Brook.

An Action has been logged under Staff Training and Competency on this CAR form for the ongoing training of ASH staff in the FPMP, its location, contents and procedures. The date for compliance is set as the date of this CAR forms issue but will be 'Ongoing/Open' as staff training on site will be a rolling, continuous system.

After discussions with Compliance Manager Thomas Farrell improvements in the location of the FPMP and access to NWFRS, updates for site drainage/interceptor, and increased training in waste fires and FPMP have been put in place and FPMP Version 3 is now the current document.

Actions/Recommendations

Access to FPMP: NWFRS did not get access to the site FPMP for some time, on discussions with Thomas Farrell a locked box is to be situated close to the entrance to the site with a copy of the FPMP and large-scale maps of the site including drainage, access, site map of waste types, hydrants. This is likely to be included in the next version of the NRW FPMP guidelines.

Update to site FPMP: Following the incident it is recommended that the site FPMP is reviewed and updated to include the full capacity of the site interceptor and any potential overflow/discharge points on drainage plans and in the body of the FPMP. The solar panels

(if still functional) are to be included in the updated FPMP as potential ignition sources.

Interceptor: Improvements have already been put in place on the interceptors discharge points to reduce the chances of a recurrence of a discharge from site

Staff training: Site operatives must be made aware of the existence of the FPMP, its location and its contents; it is advised that this is to be brought into the regular staff training for the site. The FPMP for waste sites is viewed as a valuable asset to the Fire Service and has been recognised as an important tool in FRS arsenal when fighting waste fires at permitted sites.

Following a review of the FPMP on site the above actions have been carried out, this re-issued CAR form (from 26/06/2020) has been completed following an amendment of the CCS scores.

Thank you for your assistance during the incident, please find my contact details below.

Regards

Steven White

Senior Environment Officer (Waste Regulation Team)

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Post: Natural Resources Wales, Chester Road, Buckley, Flintshire, CH7 3AJ

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.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.