Compliance Assessment Report

Report ID: CAR_NRW0033680

This form will report compliance with your permit as determined by an NRW officer					
Site	Kinmel Park Depot	Permit Ref	AP3791EH		
Operator/Permit holder	Denbighshire County Council				
Regime	Waste Operations				
Date of assessment	10/07/2018	Time in	10:00	Out	12:00
Assessment type	Audit				
Parts of the permit assessed	As below				
Lead officer's name	Thomas, Rhys				
Accompanied by	Amos, Lucy				
Recipient's name/position	Danielle Richards/ Waste Operations Manager	Date issued	27/07/2018		

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	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B4 - Infrastructure - Containment of stored materials	A	
C2 - General Management - Management system and operating procedures	C3	3.4.1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
D1 - Incident Management - Site security	A	

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

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

Audit carried out on 10th July 2018 by Environment Officers Rhys Thomas and Lucy Amos. The main objective of the audit was to review the operators Fire Prevention and Mitigation Plan (FPMP), in line with the current guidance. Officers assessed whether the FPMP is suitable and follows the minimum standards set out in the guidance, and whether the procedures were followed on site.

The operator was pre-notified of the audit, and a copy of the Audit Plan was sent. Present on site during the audit was Danielle Richards and Alan Roberts of Denbighshire County Council. A desk-based review of the FPMP was carried out prior to the audit taking place by Rhys Thomas. Findings from the review were discussed on site during the visit.

The following version of the site FPMP was reviewed as part of the audit: *Denbighshire County Council – Kinmel Park Depot, Fire Prevention and Mitigation Plan V1.0*. The document was reviewed against the standards set out in the following guidance document: *Fire Prevention & Mitigation Plan Guidance – Waste Management (Version 2.0 August 2017).* The FPMP guidance sets out what *must* be in your FPMP, and what *should* be in you FPMP, this is set out below. For the *should,* please do these, give alternatives or explain why you do not think they apply.

Findings from the review along with action points and recommendation are summarised below:

Fire Prevention and Mitigation Plan contents

Your FPMP does not currently (but *must*) include the following:

1. The amount and type of waste received daily and how it is managed. The plan needs to include more detail of the composition of the waste materials received. Details should also be included of any other waste materials typically stored on site, such as the mixed waste and scrap metal stored in the roll-on roll-off skips on site.

2. How each type of waste is stored and where. Any other waste on site needs to be included, and the plan should clarify that the same material is stored in both storage bays.

3. Minimum separation distance between storage areas. The plan should include details of the minimum separation distance that should be maintained in front of the bunkers.

4. A clear area around the perimeter of site. The plan needs to detail how a clear area is maintained around the perimeter of the site, to minimise risk of fire spreading on to neighbouring sites.

5. The fire prevention techniques used, including management of hotspots, monitoring, reporting, recording and actions. As discussed, a monitoring schedule should be implemented and a written procedure should be in place detailing what actions should be taken should fire occur on site.

6. Techniques used to minimise the risk of fire spreading within the site or from the site.

7. 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. The plan needs to recognise the pollution impact of smoke and fire water on the surrounding environment and people.

8. Contact details of sensitive receptors within 1km of your site. Key sensitive receptors are listed, however the plan needs to include measures that will be used to raise the alarm and inform local residents and businesses.

Site Plan

The Site Plan must include the following:

9. Areas where hazardous materials are stored on site (gas cylinders, fuel, oils, chemicals etc)

10. Access points around site perimeter to assist firefighting.

11. Hydrants and water supplies.

12. Areas of natural and unmade ground.

13. The location of plant and pollution control equipment.

14. Drainage systems, foul and surface water drains, their direction of flow and outfall points. Should also include drain covers and any pollution control features such as closure valves.

15. Location of emergency information pack. This should be conveniently located for Fire Service to access.

16. Location of quarantine area.

17. Compass rose showing North and prevailing wind direction.

Common causes of Fire and Preventative measures

18. You should consider where applicable, the common causes of fire and the preventative measures you can take to reduce the risk. Some are listed in the Fire Risk Assessment, but do not include details of any preventative measures in place.

Enclosing stacks using bays and walls

19. The plan should demonstrate that bay walls are of sufficient height, thickness and construction to offer a fire resistance period of at least 120 minutes, to allow waste to be isolated to stop fire spreading and minimise radiant heat.

20. Plan should detail how stockpiles will be kept segregated and what actions will be taken should the bays reach capacity.

Firefighting Strategy

21. The plan should detail what resources you have available on site (such as heavy mobile plant to move waste around), and what techniques can be considered (such as applying water or suffocating any fire with suitable material).

Water Supplies

22. You must demonstrate that there are sufficient water supplies at your site for fire fighting to take place and to manage a worst case scenario incident.

Managing Fire Water

23. Your plan must demonstrate how you will prevent fire water from affecting groundwater or surface waters.

During and After an incident

24. The plan must have contingency measures in place for dealing with issues during and after a fire. These should include measures such as diverting incoming wastes, clearing and decontaminating site, and steps to be taken before the site can become operational.

Reviewing and Monitoring you FPMP

25. The FPMP should be treated as a live document and should detail under what circumstances and how often the document will be reviewed.

Please refer to the latest version of the guidance document when reviewing your FPMP and when considering appropriate measures to put in place. A copy of the guidance was left on site during the audit. The guidance can also be downloaded from the NRW website:
https://cdn.naturalresources.wales/media/684379/guidance-note-16-fire-prevention-mitigation-plan-english.pdf?mode=pad&rnd=131654969480000000

In addressing the points raised above it should not be relied upon to mean that the measures are considered to represent appropriate measures covering every eventuality through operation of the permit. **Your FPMP should be kept under constant review to ensure measures remain effective. You must also ensure that the plan is fully implemented on site at all times.** The plan should be revised where necessary in accordance with Section 24 - Reviewing and Monitoring your Fire Prevention & Mitigation Plan of the guidance.

In a future compliance assessment visit, we will undertake an assessment of your compliance with your FPMP.

Non-compliance recorded:

C2 General Management – Management Systems and Operating Procedures. Permit Condition 3.4.1. CCS Score C3.

Permit condition 3.4.1. 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. During the audit it has been noted that the current Fire Prevention and Mitigation Plan that is in place falls short of the requirements set out in the Fire Prevention and Mitigation Plan Guidance. Detail of where the FPMP falls short is explained in the audit report above.

Action: Review the Fire Prevention and Mitigation Plan in line with the relevant guidance and submit a revised copy of the plan to Natural Resources Wales by 28th September 2018.

Site inspection:

A brief site walkover took place during the visit. Site was quiet at the time with no waste being received or removed from site. The waste storage bays were relatively full of mixed recyclates at the time. Three roll-on roll-off skips located at the northern end of site, these contained mixed waste from the Council's highways / housing works. A small amount of roadsweeping material was being stored in the designated bays. The site was tidy and organised and no non-compliances were identified on site during the visit.

Thank you for your time and assistance during the audit. Please ensure that you refer to the action points and recommendations listed above with regards to reviewing your FPMP. If you would like to discuss anything mentioned in this report, or would like any further guidance, please contact Rhys Thomas on 03000 65 3765, rhys.thomas@cyfoethnaturiolcymru.gov.uk.

Photographs:

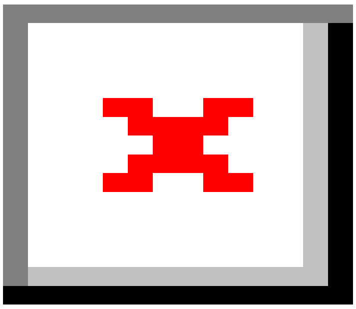

Photo 1: Showing the storage bays for mixed recyclates.

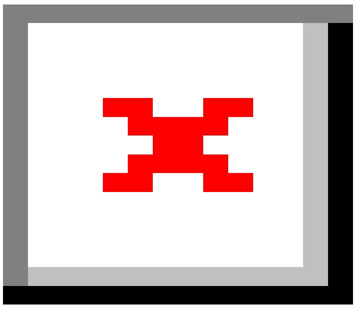

Photo 2: Skips on site used to store waste derived from Council activities.

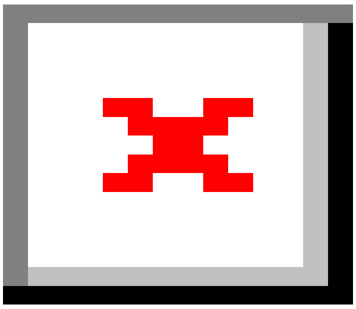

Photo 3: Road sweepings storage area.

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.

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Operator/Permit holder	Denbighshire County Council	Date	10/07/2018

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			
C2	C3	Review the Fire Prevention and Mitigation Plan in line with the relevant guidance and submit a revised copy of the plan to Natural Resources Wales.	28/09/2018

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.