

Compliance Assessment Report

Report ID:
CAR_NRW0034019

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

| | | | | | | |
|------------------------------|-------------------------|-------------|------------|-----|-------|--|
| Site | Cymru Lan | Permit Ref | QP3294FQ | | | |
| Operator/Permit holder | Cymru Lan Cyfyngedig | | | | | |
| Regime | Waste Operations | | | | | |
| Date of assessment | 14/09/2018 | Time in | 10:10 | Out | 11:20 | |
| Assessment type | Audit | | | | | |
| Parts of the permit assessed | As below | | | | | |
| Lead officer's name | Thomas, Rhys | | | | | |
| Accompanied by | Lombardi, Karl | | | | | |
| Recipient's name/position | Chris Bennett/ Operator | Date issued | 08/10/2018 | | | |

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 | |
| B5 - Infrastructure - Plant and equipment | A | |
| C1 - General Management - Staff competency/training | A | |
| C2 - General Management - Management system and operating procedures | C3 | 5.6.1 |
| C3 - General Management - Materials acceptance | A | |
| C4 - General Management - Storage, handling labelling and Segregation | A | |
| D1 - Incident Management - Site security | A | |
| D2 - Incident Management - Accidents, emergency and incident planning | A | |
| G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events | 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 14th September 2018 by Environment Officers Rhys Thomas and Karl Lombardi. 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 operator Chris Bennett and consultant Richard Carter. 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: *Fire Prevention and Mitigation Plan Cymru Lân Transfer Station. Version 3 (April 2018)*. 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 your FPMP, this is set out below. For the *should*, please do these, give alternatives or explain why you do not think they apply.

Please note that "stack" can also mean "pile".

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

Emergency services box:

Section 4 of the guidance states that both the FRS and NRW need to have access to the FPMP at all times in case of emergency. Many sites place a copy of their plan in an emergency services box which can be located at the site entrance or suitable location so that the FRS can access the plan out of hours in an emergency. A copy of the FPMP is currently kept at the site's weighbridge office. It was discussed during the audit that an alternative copy should be available and that this could be kept at the main transfer building office in a conveniently accessible location. Alternatively, the pollution prevention equipment box (stored near the site entrance) could also be a suitable location to keep a copy of the FPMP, and would be easily accessible during an emergency. The location of any such emergency pack must be noted on the site plan, and should be clearly identifiable with appropriate signage/labelling.

Action 1: Set up an 'emergency pack' containing a copy of the FPMP, and mark the location on the site plan.

Site Plan:

The FPMP contains a site plan, a site drainage plan and an aerial image showing location of local receptors. The guidance states that the location of pollution control equipment must be included on the site plan. The location of the box containing sandbags, drain covers and spill kit needs to be indicated on the site plan. The location of hydrants and water supplies must also be included on the plan. It was confirmed during the audit that a hydrant is available on the highway directly in front of the site.

Action 2: Include the following information on the site plan:

- **Location of ‘emergency pack’**
- **Location of pollution control equipment storage**
- **Location of hydrant.**

Combustion products and emissions:

The FPMP must include 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. There are sections referring to this in section 5 of the FPMP however it currently lacks details on the actual emissions and potential impact. Some of the details in relation to minimising the impact only refer to wastes within a building. These should be amended to reflect the nature of the individual storage areas.

Action 3: Provide further details in relation to combustion products and emissions.

Contact details of sensitive receptors:

The FPMP must include contact details of sensitive receptors within 1km of the site. Appendix 5 of the FPMP identifies the sensitive receptors within 1km of the site and includes an aerial plan showing locations. To meet the requirements set out in the guidance, this section must also include contact details for the sensitive receptors.

Action 4: Include contact details for sensitive receptors within 1km of the site.

Managing Fire water:

Section 11 of the FPMP contains some information in relation to managing fire water, along with some specific detail in section 5 which mentions the use of sandbags to control run-off from within the buildings. As discussed during the audit, the FPMP should also contain details on how any run-off will be managed on the yard, including the use of drain covers which are available on site.

Action 5: Include details on how fire water run off would be managed on the yard.

Overall, the FPMP is a comprehensive document and meets most of the requirements set out in the guidance. The document clearly sets out what wastes are stored on site, the quantities, where wastes are stored and how they are managed. The FPMP also describes what measures will be taken in the event of a fire and what mitigation techniques will be implemented on site. It is deemed that the stack sizes and separation distances that are stated in the FPMP, and that were observed on site during the audit, are acceptable and in line with the limits set out in the guidance. Please take note of the action points detailed above and revise your FPMP accordingly.

Please refer to the latest version of the guidance document when reviewing your FPMP and when considering appropriate measures to put in place.

<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.

Please also remember that your management system should also include a separate written assessment of fire risk on your site and describe the measures in place to prevent, detect, suppress, mitigate and contain fires in accordance with the Regulatory Reform (Fire Safety) Order 2015.

Non-compliance recorded:

C2 General Management – Management Systems and Operating Procedures. Permit Condition 5.6.1. CCS Score C3.

Permit condition 5.6.1. 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, along with specific action points for recommended improvements.

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 9th November 2018.

Site Inspection:

During the visit the officers carried out a site walkover. The site was fairly quiet at the time. All fire extinguishers and hoses were located in the correct locations as indicated on the FPMP site plan. Some mixed waste was stored in the bay within the main transfer building at the time. On the main storage yard, farm plastics and hard plastics were stored appropriately, along with baled cardboard and a small amount of cans and bottles. Site surfaces were in good condition and drainage gulleys were clear. All parts of site were tidy and organised. All storage on site was in accordance with that described within the FPMP. The centre of the yard, which is identified in the FPMP as a quarantine area, was clear and free from any stored materials. The site's daily inspection records were checked in the office and were complete and in good order. Weekly checks of the fire detection system within the main transfer building are also carried out and the records were viewed by the officers during the visit.

Thank you for your time and assistance during the audit. Operations on site appeared to be well managed and organised. 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.

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.

Photographs:



Photo 1: Materials stored within the main transfer building.



Photo 2: Pollution control equipment store, includes sandbags and drain covers.



Photo 3: Material stored on the external storage yard.



Photo 4: Main external storage yard and quarantine area.

EPR Compliance Assessment Report

Report ID:
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| | | | |
|------------------------|----------------------|------------|------------|
| Site | Cymru Lan | Permit Ref | QP3294FQ |
| Operator/Permit holder | Cymru Lan Cyfyngedig | Date | 14/09/2018 |

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 by 9th November 2018. | 09/11/2018 |

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.