



**Cyfoeth
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Wales**

Notice of request for more information

Environmental Permitting (England and Wales) Regulations 2016

Notice requiring further information

**To:
The Company Secretary
McKenna Waste Ltd
Tynewydd Thornhill Road
Cwmgwili
Llanelli
Wales
SA14 6PT**

Application number: PAN-011388

Natural Resources Wales, in exercise of its powers under paragraph 4 of Part 1 of Schedule 5 of the above Regulations, requires you to provide the information detailed in the attached schedule. The information is required in order to determine your application for a permit, dated **22/09/2020**.

The information requested should be sent to the following address by 01/02/2021

Information should be sent to:

matthew.fryer@naturalresourceswales.gov.uk

Name	Date
Matthew Fryer	15/01/2021

Authorised on behalf of Natural Resources Wales

Schedule

Fire Prevention & Mitigation Plan

The following questions are in regards to the Fire Prevention and Mitigation Plan (FPMP) provided in support of your application which does not meet our guidance.

It is not acceptable or appropriate for the FPMP provided within your application to simply restate our guidance back to us. As a result of doing this the FPMP provided in support of this application contains limited commitments or information to demonstrate to us **how** you meet our guidance. If the FPMP re-submitted in response to this Schedule 5 does not demonstrate **how** you meet the our guidance through commitments and information then we will not be able to approve the FPMP and this will likely lead to the application being refused.

In the questions below when we say 'Our Guidance' we are referring to Guidance Note 16. Our Fire Prevention & Mitigation Plan Guidance – Waste Management which is available here: <https://naturalresources.wales/media/684379/guidance-note-16-fire-prevention-mitigation-plan-english.pdf>

In the questions below when we say 'Your FPMP' we are referring to the Fire Prevention and Mitigation Plan (Document Ref:275-01-06.R01 Dated August 2020) and provided with your application

Common Causes of Fire and Prevention Measures

- 1) Update Section 2.0 to ensure that the preventative measures proposed for each of the common causes of fires, to ensure they are presented as commitments.**

REASON: Section 2.0 is currently written outlining what 'should' or is 'advised' to be done on site. We need these statements to be commitments and therefore outline what 'will' occur on site.

You will need to review the following common causes of fires and prevention measures: arson or vandalism, visitors & contractors, hot works, plant & hot exhausts, damaged or exposed electrical cables, and batteries with in waste deposits.

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- 2) Update Section 2.0 common causes of fire and preventative measures to address all common causes listed within Section 6 of our guidance.**
- a. Industrial heaters** – *If you do not have any industrial heaters on site you need to state this within the FPMP.*
 - b. Reactions between wastes.**
 - c. Tramp Metal**
 - d. Cylinders stored at the site** – *Although it is understood you do not intend to accept cylinders you do need to outline storing any cylinders that are accepted on site incidentally and demonstrate that this meets our guidance.*

Storage Times and Self Combustion Factors

- 3) Update Table 2 in Section 3 Waste storage times, locations , self combustion Risk and Quarantine to remove reference to the ‘shredded or similarly treated wastes’ as you have confirmed that no treatment will be undertaken on site.**
- 4) Update Section 3 Waste storage times, locations , self combustion Risk and Quarantine to ensure that it clearly outlines which maximum duration applies to each of the waste codes you intend to accept.**
- You could provide an additional table or update Table 2 to provide this additional information.*
- 5) Update the FPMP (Section 3 or elsewhere) to outline the management processes in place to ensure that the relevant wastes are kept no longer than the maximum times outlined in Table 2 of your FPMP.**

REASON: We recognise your commitment to keep waste for durations that comply with Table 1 Maximum storage times on site in our guidance but we need to understand how you will ensure this occurs. What are your management process and practical actions on site that allow this to happen (eg. labelling containers), and what are the implemented daily tasks.

Waste Stored in Containers

- 6) Provide a Site Layout Plan that shows the location of each of the skips on site.**

REASON: This is required so we can ensure that your proposal meets the requirements outlined in Section 13 Waste Stored in Containers within our guidance. Therefore you need to ensure that the Site Layout (and the FPMP generally) demonstrates how you meet the guidance:

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- 7) Ensure that the FPMP (including the site layout plan referred to by Question 6 above) clearly demonstrates and explains the procedures in place ensuring that containers are accessible so any fire inside can be extinguished**

NOTE: It may also be helpful if you demonstrate through annotation the separation distances between the skips as this will show its accessible. In addition, we would expect you to outline how you will practically ensure that the skips are always located in these place (eg painted location lines on the ground).

- 8) Update the text within 'Waste Stored in skips' subheading (Section 3.0 waste storage times, locations , self combustion risk and quarantine) to demonstrate that the location of the containers meets the points you have raised.**

REASON: It is not enough for you to say you will 'consider' we need you to demonstrate in writing/or on a plan how the site will be arranged and what the site processes are to address/mitigate the associated points/risks.

Seasonality and waste management

- 9) Update the FPMP to address Section 15 of our guidance.**

REASON: Currently your FPMP does not demonstrate how you intend to manage variations (seasonal) in your demand/supply. You also need to demonstrate that you will follow the 'first in first out principles' and how.

Fire detection

- 10) Your FPMP does not outline the procedures for detecting a fire on site whilst it is in its early stages.**

REASON: Currently your FPMP does not demonstrate that you have adequate procedures in place to detect a fire whilst it is in its early stages. The Self Combustion point in Section 2 Common Causes of Fires and Preventative Measures does state that '*inspection of materials in skips will be undertaken daily*' however no details are provided:

- How often and when during the day will the inspection be undertaken?
- Who will undertake the inspection? And are they suitably trained to spot early stages of combustion or overheating waste?
- Will the operative undertaking the inspection use any of the fire Detection Systems listed in Section 17 of our guidance to assist them (eg thermal probe, or thermal camera). *Although, using 'Fire Detection System as per Section 17 of our guidance' are not compulsory you should outline within the FPMP how you have considered them and outline how your chosen method of detection is proportionate to the risks on site.*

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- What are they looking for? What actions do they trigger if they find waste that is showing signs of combustion/overheating (eg smoking or a flame?)

Fire Fighting

11) Update the text below the 'Firefighting Strategy' subheading of Section 3.0 to meet Section 19 of our guidance and outline what you will do.

REASON: The language used in the FPMP needs to be amended throughout this section. You have used sentences such as '*Heavy mobile plant **which can be used** to move waste around the site, for example excavators. **If heavy, plant is to be utilised in the event of a fire, it must be suitable for the task**, for example by having completely enclosed cabs, fire and heat protected hydraulic systems, etc*' These sentences are not commitments to act. They outline what the operator could do, or should consider but do not outline the actual process/procedure/ commitment in regards to how the operator will act.

You need to consider this for all points listed in Section 19 of our guidance and currently responded to in Section 3 of the FPMP.

You will need outline what plant is available to assist with moving any containers in the event of a fire to prevent the fire spreading. The procedures that are in place around this, and how quickly this can be done during the work day and outside of operational hours. Is the plant required onsite, or in a nearby offsite location?

You also need to consider how the firefighting strategy may be limited by the availability of staff out of hours. Will there be any delays in being able to move containers, or extinguish any fires.

Water Supplies & Management of Firewater Run-off

12) Update FPMP to demonstrate that you are compliant with Section 20 Water Supplies and Section 21 Managing Fire Water Run Off of our guidance.

REASON: Currently the FPMP does not outline any information regarding the water supply you intend to use in the event of a fire or how you will manage any firefighting water used to extinguish a fire. You cannot allow firefighting water to pollute the environment.

Section 20 of our guidance clearly outlines the quantity of water required for fighting a fire in your largest stack/container this is can be calculated using the following:

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A 300m³ stack of combustible material will normally require an average water supply of at least 2,000 litres a minute for a minimum of 3 hours

Section 21 of our guidance outlines our requirements in regards to containment of firefighting water. You will need to demonstrate compliance with this.

Quarantine Area

13) Update the FPMP to demonstrate that the quarantine area proposed meets Section 22 of our guidance in full.

REASON: The language used in the FPMP needs to be amended throughout this section. It currently reads like a specification or guidance. You have used sentences such as *The quarantine area **should be** within the permitted boundary area of the site **and should be large enough** to both: Hold at least 50% of the volume of the largest waste stream (15m³); Have a separation distance of >6 metres around the quarantined waste. The **location of the quarantine area is flexible**, however at least one specified quarantine area clear at all times unless it is being used in the event of a fire.*

This is text taken directly from our guidance and does not demonstrate in any way how your quarantine area actually meets our guidance. Our guidance tells you the minimum standard we expect you to meet, you must tell us how you will meet that minimum standard or better. It is not acceptable to restate our guidance and tell us what should be done – you need to outline how you meet our guidance.

To address Section 22 of our guidance we would expect that you would provide a site layout plan showing the location of the quarantine area. This should show the dimensions of the Quarantine area, and the required 6m separation distance around it. We would also expect your FPMP to outline the calculation used to determine the sizing of the Quarantine area and provide a written commentary regarding how this space will be used in the event of a fire.

Action to take during and after an incident

14) Update the text below the ‘during and after an incident’ subheading of Section 3.0 to meet Section 23 of our guidance.

REASON: The FPMP Currently does not meet our guidance due to the following issues:

- a) Diverting waste to alternative site:** You should not only not accept waste onto the site but you should be able to provide any customers with an alternative site to take the waste to.
- b) Notification:** No information has been provided in this section regarding how you will inform local residents or business who would be impacted by a fire (and actions surrounding its management) that a situation is underway at the site.

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- c) **Clear and Decontaminate the Site:** You need to outline in the plan the basic steps you would go through to bring the site back to an operational state. You need to consider this now not at the time.
- If you will need to utilise contractors, then their details should be listed in the FPMP

Reviewing the FPMP

15) Update the text below the ‘Reviewing and Monitoring your Fire Prevention & Mitigation Plan’ subheading of Section 3.0 to meet Section 23 of our guidance.

REASON: The FPMP currently does not meet our guidance and again it is written in a way that says what the operator should do. We need to know what you as the operator are going to do:

- We need to know when the FPMP will be reviewed and update following a fire incident.
- We need to know when the FPMP will be reviewed and updated when there isn't a fire on site to ensure that it is still best practice

Fire Prevention and Mitigation Plan Contents

16) Update the FPMP to ensure that it contains all information outlined in Section 5 *Fire Prevention and Mitigation Plan Contents of our guidance.*

REASON: A number of bullet points have not been addressed. Your FPMP must include:

- the amount & type of waste received daily and how it is managed
- the total amount of waste & the types and forms (e.g. unprocessed, shredded, chipped, fines or baled) that are stored on site at any one time and how it will be stored
- the maximum time each type of waste will be stored on site and how it will be managed
- the location within the site where each type of waste will be stored
- contact details of sensitive receptors within 1km of your site –Human receptors include hospitals, nursing homes, schools, residential areas, places of work, transport networks. Environmental receptors include source protection zones, surface waters, potable abstractions, groundwater, protected habitats, fisheries

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- how safe access to the site for fire and rescue services and other emergency responders is achieved

Site Plans

17) Update the Site plans within the FPMP to ensure that they include all of the information/details outlined by Section 5 *Fire Prevention and Mitigation Plan Contents of our guidance.*

REASON: The current layout plan in the FPMP does not include the following as required by our guidance:

- main access routes for fire engines (typical FRS vehicle access requirements are below) & any alternative access points around the site perimeter to assist fire fighting
- Location of hydrants and water supplies
- any watercourse, borehole or well located within or near the site
- areas of natural and unmade ground
- the location of plant, protective clothing and pollution control equipment and materials
- drainage systems, foul and surface water drains, and their direction of flow and outfall points
- the location of drain covers and any pollution control features such as drain closure
- valves and firewater containment systems
- location of “off- site” emergency information pack with site plan
- location of sensitive receptors within 1km of your site –
 - a. Human receptors include hospitals, nursing homes, schools, residential areas, places of work, transport networks.
 - b. Environmental receptors include source protection zones, surface waters, potable abstractions, groundwater, protected habitats, fisheries
- location of the quarantine area (*which demonstrates it meets our guidance*)
- assembly point for staff and visitors to site
- compass rose showing north and the prevailing wind direction

Odour Management Plan

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The following questions are in regards to the Odour Management Plan provided in support of your application which does not meet our H4 guidance and 'How to comply with your environmental permit'.

Referencing the correct regulator

18) Update the Odour Management Plan to remove the references to the Environment Agency and replace them with Natural Resource Wales.

REASON: The Environment Agency is not the regulator for environmental permitting in Wales. The OMP should not be referring to a regulator that operates outside of Wales. Therefore the references to the Environment Agency in your OMP need to be removed. Of particular concern are the following examples but this is not an exhaustive list and all must be corrected:

- Section 13 of the OMP 'OMP Management' states *'This OMP will be reviewed at least annually unless it becomes apparent that the activities are giving rise to pollution outside the site due to odour, in which case it will be revised within 7 days and a copy forwarded to the **Environment Agency for approval** before implementation. It may also be **revised upon request from EA**, should the permit be varied, transferred etc.'*
- Appendix A, Complaint Recording Procedure states *'If the caller is unhappy about the outcome or unwilling to identify themselves the caller will be **invited to contact the Environment Agency** and or the Local Authority.'*

Local Receptors

19) Update the Odour Management Plan to provide the location details of local receptors.

REASON: It is important that anyone using the Odour Management Plan can understand where the local receptors are in relation to the site. This may be so in the event of identifying a source of odour they can consider the potential impact on the nearby receptors or to attempt to contact local receptors (should it be necessary)

It is common that this information is provided to us by a location plan (map) which shows the location of the different receptors and the proposed site. We also often receive this information presented in table outlining the distance and direct the receptor is from the site boundary we would welcome this information in either of these formats. .

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20) Update the Odour Management Plan to provide the details of typical local meteorological conditions.

REASON: This is important because meteorological conditions such as wind speed and direction will impact how an odorous release will disperse into the environment. This can affect how local receptors are impacted by a source of odour. It is important that anyone using the Odour Management Plan can understand where the local receptors are in relation to the site and how local meteorological conditions may affect odour dispersion.

It is common that this information is provided to us with an OMP in the form of a wind rose using meteorological data from the most appropriate meteorological station. It would be expected that you outline any limitations in the data you have used in your updated meteorological data.

21) Update the Odour Management Plan to provide details of how the site operator would be able to ascertain whether the meteorological conditions are 'unfavourable', 'adverse', or 'more favourable' as per section 12.1 of the OMP.

REASON: we need to understand what source of information the operator will use to judge whether the meteorological conditions are 'favourable', 'unfavourable' or 'adverse'. For example, will the operator use local meteorological data available on the internet or a resource located on site such as windsock.

You will also need to define what you mean by terms such as unfavourable and adverse. What weather conditions are these terms describing.

22) Update the corrective action column in the table in Section 12.2 to provide a timescale for when the corrective actions will be undertaken.

REASON: Should odorous wastes be identified during a waste delivery (tipping) or it develops as waste is stored within a skip. It is not acceptable to expect local receptors be impacted by an odour emission from the site for an extended period of time. We require you to confirm timescales for these corrective actions to take place.

Risk Assessment

The following questions relate to the Environmental Risk Assessment that you provided in support of the application.

It is important that you update the Risk Assessment in line with the comments below. Your risk assessment is a key part of your application and must present a thorough, and accurate assessment of the risks posed by the facility.

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23) Update the Environmental Risk Assessment to address the following points:

- a) **Actions:** Additional information needs to be provided in the Risk Management column for the majority of risks considered by the Risk Assessment. This column should provide a summary of the actions undertaken/ the infrastructure on site that helps mitigate the associated risk. This section can signpost out to another document, but a summary should be provided in the Risk Assessment. **You need to review the entire Risk Assessment and ensure the Actions column is being used correctly.**
- Note:** Almost every row has the words 'as above' in them it is not clear how far above you expect us to look supporting actions/measure if you wish to sign post to previous rows you need to be more specific.
- b) **Justification of Magnitude:** This column, and the preceding columns 'probability of exposure', 'consequence' and 'magnitude of risk' should be completed based on the site without any of your mitigation measure or onsite actions. Therefore you need to remove text like *'All waste to be stored and covered when not in use, traffic moves in one direction through the site which will reduce the volume of dust in the air at any given time, local residents (other than the owner/operator) are 130m away. The aforementioned reasons are why the probability was rated low'* used in row *'local human population, release of particulate matter and microorganisms, harm to human health'* this should be located in the Actions column as outlined in point 'a' above and should contain measures that justify the change in the *'magnitude of risk'* column and the *'residual risk'* column **You need to review the entire Risk Assessment and ensure the justification of magnitude column is being used correctly.**
- c) **Pathways:** In this column of your risk assessment you are presenting a number of different routes the source could impact the receptor. In a number of rows, the 'Actions' being presented do not consider ALL of the pathways you are presenting to us in the risk assessment. **You need to review the entire Risk Assessment and ensure that you provide actions that consider all potential pathways for each of the given risks.**

Points A – C outline a few general comments that need to be addressed throughout the risk assessment. A couple of specific examples of the problems that are within your risk assessment are demonstrated below these need to be addressed as well as the above.

- d) **Litter:** This row is asking you to outline what actions you will do to ensure that litter does not escape your site boundary during waste processing.

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Although refuse bins could help to mitigate site staff or visitors littering the site and becoming a source of litter off site. The focus here should be on waste materials getting loose from the storage skips, or during the sorting activities, or even during transport to and from site.

- e) **Odour:** In the actions column you should be outlining actions you take on site to prevent their being odour emissions and reducing the risk to LOW. The only comment stated at the moment is regarding complaints. This is not a valid justification to reduce the magnitude from MEDIUM to LOW. There are other aspects you have outlined in your OMP which you could summarise here.
- f) **Flooding of the site:** You have written here that you will use an interceptor for contaminated wash off? Confirm what you mean by this as per the questions related to Site Drainage and Waste Acceptance Criteria below we would not expect you to have 'contaminated' wash off.

This section of your risk assessment based on the 'Harm' Column appears to be highlighting the potential for waste to be washed off the site rather than contaminated water being discharged. You have not considered this in your response.

- g) **Bodily Injury:** This applies to site operatives, and unauthorised access of people (deliberately or accidentally) and animals you have not considered the latter in your Actions column.
- h) **All surface waters close to and downstream of site:** In this row you recognise that there is a risk of 'contaminated rainwater run-off from the waste stored outside during heavy rain' but do not suggest any measures in place to address this in the ACTIONS column. However, you have still reduced the residual risk from MEDIUM to LOW. Outline the measures which mitigate this risk to a point where the residual risk is LOW.
- i) **Abstraction from water courses downstream of facility:** As per Questions 25 and 26 below, how can you be sure that this discharge is not contaminated/hazardous when the waste codes you accepting are mirror - non-hazardous?
- j) **Protected Sites:** All current text in the actions column is not appropriate for a risk assessment. Review in line with points A-C above.

NOTE: In regards to the Risk Assessment you need to review the entire document and make sure that you take on board all the comments/themes outlined above and ensure that the risk assessment you include with your response to the schedule 5 addresses out concerns.

Environmental Management System

Waste Acceptance Criteria

24) Provide an updated EMS document that includes a brief outline demonstrating how you will ensure that the below listed Mirror Non-

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Hazardous waste codes have been correctly assigned the Non-Hazardous EWC code prior to accepting them on site.

REASON: The following waste codes are proposed by your application and they are Mirror Non Hazardous waste codes. Your current Waste Acceptance Criteria/Procedures outlined in your Environmental Management System do not outline how you will ensure that wastes accepted on site have been correctly assigned the Mirror-Non Hazardous waste code.

This is important as it appears from your application that you plan to discharge run-off from the skip tipping and storage, and the waste sorting area into surface water. There is therefore potential for pollution to occur where hazardous waste tipped onto the site, and as a result we need to be confident that your waste acceptance procedures ensure that this does not happen.

In your Fugitive Emissions Plan (Section 4) you state *'control surface water from clean areas of the site will pass into the drain, through an oil interceptor for discharge into a tributary of the Afon Gwili'* if the waste being tipped onto the site pad are Mirror -Non Hazardous how can you be sure that it is clean'.

The Mirror Non Hazardous waste codes are listed below:

- 17 01 01 Concrete
- 17 01 02 Bricks
- 17 01 03 Tile and ceramics
- 17 01 07 Mixtures of concrete, bricks, tiles, ceramics other than those mentioned in 17 01 06
- 17 02 01 Wood
- 17 02 02 Glass
- 17 02 03 Plastic
- 17 04 01 Copper, bronze, brass
- 17 04 02 Aluminium
- 17 04 04 Zinc
- 17 04 05 Iron and steel
- 17 04 06 Tin
- 17 04 07 Mixed metals
- 17 04 11 Cables other than those mentioned in 17 04 10

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- 17 05 04 Soil and stones other than those mentioned in 17 05 03
- 17 05 08 Track ballast other than those mentioned 17 05 03
- 17 08 02 Gypsum-based construction materials other than those mentioned in 17 08 01
- 17 09 04 Mixed construction and demolition waste other than those mention in 17 09 01, 17 09 02, and 17 09 03
- 20 01 38 Wood other than that mentioned in 20 01 37
-

Your response should confirm that your Waste Acceptance Criteria/Procedures are in line with our WM3 Waste Classification - Guidance on the classification and assessment of waste

Site Drainage

25) Update all application documents to accurately reflect the drainage arrangement for the site as well as provided further information regarding the scope of the drainage system.

REASON: There appears to be some inconsistencies within the application in regards to the site drainage arrangements.

Section 3.1 of the EMS states *'The site will have no point source emissions to air, groundwater, surface water or land'* but Section 3.2 of the EMS goes on to state the following in relation to the discharge of site surface water *'Surface water will be collected by the perimeter drain and **discharge to the stream running adjacent to the site**. A silt trap and oil interceptor have been proposed between the slab and the discharge location as an added precaution to remove silt or small oil spills for the excavator on site should these occur.'* This text in section 3.2 directly contradicts the statement made in section 3.1. We would consider this to be a point source discharge from the site into the environment (stream) from the site drainage system. This is not a fugitive emission.

As explained in Q17 it appears from your application that you plan to discharge run-off from the skip tipping and storage, and the waste sorting areas and in your Fugitive Emissions Plan (Section 4) you state *'control surface water from clean areas of the site will pass into the drain, through an oil interceptor for discharge into a tributary of the Afon Gwili'* We need you to outline which areas of the site you consider to be 'clean' and whether this include the areas of the site used for skip tipping, waste storage and waste sorting. If it does include these areas (as it appears from the site plan in Appendix A of the Fugitive Emissions Plan then as explained above in Q17 we will require robust Waste Acceptance Criteria for you to confirm that the run-off from these areas is 'clean'

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You also need to consider that even if the wastes have been classified in accordance with WM3 and are non-haz it doesn't mean they don't present a risk to surface water. E.g. soils may be high in organic matter, run off from this direct to surface water could present a risk. Especially if waste is stored in the sorting area for any period of time.

In your response you need to confirm the scope of the site which is covered by an impermeable hardstanding surface (currently the documents mentions specific areas of the site, eg.waste storage area but the drainage arrangements shown on the site plan in Appendix A of the Fugitive Emissions Plan would suggest the entire site is covered by an impermeable surface.

26)Address the contradiction of outlining a point source emission in a document called the Fugitive Emissions Plan.

REASON: As outlined by the Question 25, and Question 24 you have a singular emission point to the environment (a point source emission) in the form of your discharge of rainwater run-off.

Noise

27)Update section 3.9 Noise and Vibration in the Environmental Management System to include the general management process that will be used on site to ensure that noise and vibration is under control.

REASON: Although we recognise that the site operations are not overly noisy we do require you to outline the management/mitigation measures in section 3.9 of the Environmental Management System. We are looking for you to replicate the kind of information you have given in the Dust (section 3.8.1) but focused on noise.

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