

Compliance Assessment Report CAR_NRW0037727

Permit being assessed: HB3390HX.

For: Cwmtwrch HWRC, held by Sundorne Products (Llanidloes) Ltd

At: Cwmtwrch HWRC, Bethel Road, Ystalyfera, Swansea, Powys, SA9 2HW.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 04/03/2021.

Parts of permit assessed: General Management

NRW Lead Officer: Liz Park.

Report sent to: Mark Phillips/ Deborah Hall, TCM/ Compliance Manager on 04/03/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	3.4.1

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
C2	Submit updated FPMP to NRW	09/04/2021

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.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

On 4 March 2021 Liz Park undertook a full review of Ystradgynlais Fire Plan – V2.1 submitted on 12 January 2021 (Fire Prevention and Mitigation Plan)

General Management – Fire Prevention and Mitigation Plan - Permit Condition 3.4.1 - CCS Cat 3

The Fire Prevention and Mitigation Plan (FPMP) does not fully meet the requirement of the Fire Prevention & Mitigation Guidance – Waste Management Version 2 (Guidance). This is a breach of permit condition 3.4.1.

Details of the full review are provided below.

ACTION: Review and submit an updated version of the FPMP by 9 April 2021

Section 5 – Fire Prevention and Mitigation Plan Contents.

A site plan has been provided but does not meet the requirements of the guidance. Please see below for further detail.

There is no daily amount stated of each waste accepted. Whilst it is accepted that this is going to be variable, estimates from records can be used. This must be included.

The maximum storage time for all wastes accepted onto the site has been given as 21 days on page 9. However, the maximum time for wastes that could self-combust is given as one month on page 13. Please ensure that the same time is used for both. It is advisable to record the maximum time stored for each separate waste streams. This must be included.

The FPMP does not state where each type of waste will be stored. In addition, the FPMP states that there are areas 1-4 on the site plan, but they are not recorded on the plan, and the FPMP does not state what wastes are in which areas. This must be included.

There must be a clear area around the perimeter of the site. Whilst it is known that there is good access to most of the site, this is not at all clear on the plan. The plan(s) must be updated. No waste can be stored up against the boundary of the site.

Under fire prevention techniques, the FPMP plan states that containers will be checked as part of daily inspections. This needs to be undertaken more than once a day. More information on fire prevention is required. On page 15, the FPMP mentions 'Investigation and Repair of Container' if a container is identified as being at risk, fire or burning smell is detected. The Investigation and repair of the container is not a suitable response for a fire or burning smell. This section must be amended to detail what actions would be undertaken.

There is only brief mention on page 9 on techniques used to minimise the risk of fire spreading within the site or from the site. It also mentions the movement of adjacent

containers (page 10) to the quarantine area. It is unclear as to whether the site intending to try and move the container with the fire to the quarantine area (as mentioned elsewhere in the FPMP), or the containers not on fire? This is confusing and needs clarifying.

There is little information on all combustion products and emissions to air, land and water during a Fire and the emergency response. Details on how this will be minimised must be included. The affect of the pollution impact of smoke and fire water of people and the environment must be recognised. There is no detail regarding smoke and only some details regarding firewater.

There are no details of contact receptors within 1km of the site. And no details on how the alarm will be raised. This must be included.

Safe access for the Fire and Rescue Service (FRS) is considered in the text of the FPMP, but is not clearly identified on the site plan. It is suggested that a separate site plan (currently there is only one), is produced that clearly shows FRS access.

The FPMP should include actions to be taken should a fire occur; these are listed on page 9 and 10 of the guidance. The FPMP mentions that some will be considered but there is no detail on many of the actions. The actions needs to be considered and plans put into place now, and not when a fire is occurring.

Section 5 – Site Plan

The FPMP plan submitted only had one site plan. The site plan is not clear and does not meet the requirements in the guidance. It is suggested that several site plans are produced to clearly show the required information.

Layout of buildings – Whilst the building is not used for waste it is not clearly identifiable. The operatives shed is not on the plan either.

Areas where hazardous materials are stored on site – This is not clearly identified. In addition, please do not use abbreviations, especially without a key, on a site plan. The FRS will not know what SBA? (should this have been SDA. Small domestic appliances) and LDA are.

Main access route for fire engines and alternative access – Stated in FPMP but not identified as required on a site plan

Access points around the site perimeter to assist firefighting – It is stated that this is included on the site plan but cannot be identified on the site plan.

Hydrants and water supplies – Again this is stated in the FPMP but not identified on the plan.

Watercourse, borehole or well – This is not mentioned in the FPMP or identified on the site plan.

Location of plant, protective clothing and pollution control equipment and materials – Some of this information is available on the plan. However other equipment such as drainage

mats and sandbags are mentioned in the FPMP but not on the site plan.

Drainage systems – These are marked on the plan but they are not at all clear. The direction of flow is not marked either.

Location of drain covers etc – The location of these are not included on the site plan. There is only brief mention in the FPMP.

Location of “off-site” emergency information pack with site plan – This has not been included.

Location of key receptors – This has not been included.

Location of quarantine area – This is not clearly identified on the site plan. The FPMP mentions the unmade ground in the lower yard but this is not on the site plan. There is a drawing on blue boxes on the main yard however it is not known what this is for.

Compass rose showing north and the prevailing wind. This was considered not to be required by the author of the FPMP. This is a requirement and must be included.

Section 6 – Common causes of fires and preventative measures.

A list of common causes of fires has been listed. It is noticed that ‘Visitors and Contractors’ are not listed. This is considered to be a possible cause. Being a HWRC, there are many visitors. Some detail around the common causes relative to the site is expected.

Section 7 – Storage times and self-combustion factors

The operator is storing materials that are at risk of self combustion. The storage time is appropriate. The operator should consider how to show that the storage time is monitored and controlled, and whether they need to consider minimising external heating during hot weather.

Section 13 – Waste Stored in Containers

FPMP states all containers are accessible as required. In the event of a fire the containers should be able to be moved as is reasonably practicable in a safe manner to prevent fire spreading. Please see previous comments regarding the movement of containers. In addition, consideration should be given as to what to do in the event that a Ro-Ro lift is not available on site.

Section 17 – Fire detection and Section 18 Fire Suppression

No waste is stored in a building. Detection equipment is listed as ‘to be considered’. This

needs to be clarified as to whether it has been considered, or if this is part of a review procedure.

Section 19 – Firefighting Strategy

Section 19 of the guidance provide information on having a firefighting strategy. Some of these areas have been reviewed elsewhere in this document. It is noted that a hose is mentioned as a mechanism to extinguish fire. This should be recorded on the site plan. The FPMP states that there are adequately trained staff – how this is managed and recorded should be considered. Please see section 20 regarding water supply.

Section 20 – Water supplies

In the FPMP the water supply is given as a fire hydrant. However, this is not marked on the site plan. And there is no information available on the testing of the Fire Hydrant. No alternative supplies have been mentioned. Welsh Water should be contacted to establish water access, and available pressures to the site to ensure that water supplies are available without impacting on local supply.

Section 21 – Managing fire water run-off

There is no detail in the FPMP as to how fire water will be prevented from affecting local groundwater, surface water bodies and any well, spring or borehole within 50m used for the supply of water for human consumption, including private water supplies. An assessment of the above must be recorded in the FPMP.

The site should also consider the following. The FPMP mentions fire water run-off going to sewer. There should be a written agreement prior to any need to discharge fire water to sewer.

The amount of fire water generated is considered to be that from only one container. It is suggested that further consideration is given to the possibility of more than one container being on fire. And/ or the fire spreading to other areas of the site.

The Afon Twlch is less than 50m away from the site, but it not been mentioned in the FPMP. It is not on the site plan. The site is on A Secondary A – Minor Aquifer.

Section 22 – Designated quarantine area

Details of the quarantine are is given on page 11 but it is not identified on the site plan. In addition, the FPMP details that the quarantine area can be provided by moving containers. Consideration should be given as to how this is achieved when a Ro-ro lift is not available.

Section 23 – During and after an incident

The FPMP must have procedures in place for dealing with issues during and after a fire. A comprehensive list of contingency sites has been provided.

There is no plan on how those in the local area will be notified of a fire. This must be included.

The FPMP must include details on contractors that might be used to assist with additional plant for fire fighting techniques. For examples with removing container that have a fire when the Ro-ro lift is not available.

The FPMP mentions that the site would need to be cleared following the event of a fire. No details as to how this will be achieved have been provided. This must be included. There are no clear steps detailing what must be done before the can operate again.

Section 24 – Reviewing and Monitoring your FPMP

There should be within the FPMP details on how compliance with the FPMP will be maintained. The FPMP should also include details on when a review of the plan would take place. The FPMP does have document control.

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.