

Compliance Assessment Report CAR_NRW0038718

Permit being assessed: GP3690LR.

For: Tondy Waste Transfer Station, held by Kier Services Limited

At: 1 Maesteg Road, Tondy, Bridgend, Glamorgan, CF32 9DP.

Type of assessment carried out: Site Inspection, Reason: Other.

On 11/08/2021 between 11:00 and 12:30.

Parts of permit assessed: Accident, Emergency and Incident Planning

NRW Lead Officer: Loku Ranasinghe, accompanied by Magda Leonowicz, Anna Wilmshurst.

Report sent to: Gareth Barnes, Business Manager on 15/09/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	Condition 2.3.1 Table 2.3
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	Conditions 4.3.1 and 4.3.2
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor	conditions 3.4.1 and 3.4.2

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

Total number of non-compliances recorded	Total non-compliance score
3	8.1

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
C4	Ensure you have provisions in place to comply with the above permit condition.	15/12/2021
G4	Ensure you comply with the permit conditions by timely notifications.	15/09/2021
D2	ACTION- Submit a revised FPMP by 28/02/2022 which includes proposed/completed changes and takes account of the comments made previously (included further below in this CAR form). In the interim you will need to comply with the FPMP Guidance.	28/02/2022

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

An unannounced site visit was carried out on 11/08/21 by Officers Loku Ranasinghe, Magda Leonowicz and Anna Wilmshurst to check compliance with the current FPMP provisions on the main, accompanied by Stuart Brock of the Fire and Rescue Service who attended on an advisory capacity. We were met on Site by Leeann Neagle and toured the site after a discussion of the FPMP related upgrades. See below for the details. Thank you for your time during the site visit.

Breaches:

(c4) Storage, Handling, Labelling and Segregation-Category 3- Condition 2.3.1 Table 2.3

2.3.1 The activities shall be operated using the techniques and in the manner described in Table 2.3 below.

Table 2.3 Operating techniques

1. Unless stored or treated outside as specified waste³:
 - a) all bulking, transfer or treatment of waste shall be carried out inside a **building**;
 - b) all waste shall be stored in a **building** or within a secure container.
 - c) all waste shall be stored and treated on an impermeable surface with sealed drainage system.
2. Specified waste shall be stored and treated on hard standing or on an impermeable surface with sealed drainage system.







We observed metal cans and plastics waste stored outside. Leeann explained this is a temporary issue of a shortage of drivers which is affecting the whole industry. While we understand the issue this is nevertheless a breach of the Condition 2.3.1 above.

ACTION- Please ensure you have provisions in place to comply with the above permit condition.

(g4) Reporting & notifications to the NRW- category 4 – Conditions 4.3.1 and 4.3.2

4.3 Notifications

- 4.3.1 Natural Resources Wales shall be notified without delay following the detection of:
- (a) any malfunction, breakdown or failure of equipment or techniques, accident or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution;
 - (b) the breach of a limit specified in these standard rules; or
 - (c) any significant adverse environmental effects.
- 4.3.2 Written confirmation of actual or potential pollution incidents and breaches of emission limits shall be submitted within 24 hours.

Incidents

I have been notified by the FRS that Fire/ Fire-related incidents have happened on the following dates/ occasions within the last 12 months .

15/06/2021

29/06/2021

07/12/2020

30/11/2020

Under Condition 4.3.1 and 4.3.2 you need to notify us of such incidents. But we have not had any notification of any of the above incidents at the time (you later forwarded us the details upon request)

Action – Please ensure you comply with the permit conditions by timely notifications.

(d2) Accident, Emergency and Incident Planning – Category 3 – conditions 3.4.1 and 3.4.2

Most of the Incidents are related to the baler. As regards the baler in the current FPMP Under Section 2.1 -Waste Activities: the following is stated

“Equipment - The baler which is located within the materials bulking building represents one of the highest fire risks on site as alien materials such as compressed gas canisters/aerosols and other ignition sources can enter into the feed stream of the machine. Once compressed, these items can explode and subsequently ignite the material surrounding the canister. Baler Operators undergo specific Fire Risk training and provide a fire watch during all baler operations. Extinguishers are provided next to the baler “

Leeann mentioned that they had a report produced by a consultant in discussion with an internal expert. Some of the recommendations from this were (also mentioned by Gareth Barnes over the phone previously) :

For the Baler and conveyor – provision of fire suppression water sprays

For Material bays - Flame detectors

Have shunters to test waste with heat guns to check abnormal materials (aerosols etc) do not get in there. Looking to implement Kerbside checks for batteries as well.

From our discussions with the FRS- FRS has attend several unwanted Fire signals in the last 2 years due to the Baler sending off automatic fire alarms .Kier will need to show how fires would be prevented in the baler and , whether the proposed systems will have an alternative to automatic fire alarming.

We welcome that you recognise the need for improvements to the current practices in dealing with the fire risk from the baler. These new proposals would need to be included in the revised FPMP along with how this affects fire alarming.

ACTION- Submit a revised FPMP by 28/02/2022 which includes proposed/completed changes and takes account of the comments made previously (included further below in this CAR form). In the interim you will need to comply with the FPMP Guidance.

Site audit of current FPMP provisions :

3.4 Fire

- 3.4.1 The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.
- 3.4.2 The operator shall:
- (a) if notified by Natural Resources Wales that the activities could cause a fire risk, submit to Natural Resources Wales a fire prevention plan which identifies and minimises the risks of fire;
 - (b) operate the activity in accordance with the fire prevention plan, from the date of submission, unless otherwise agreed in writing by Natural Resources Wales.

From the currently submitted FPMP:

- the maximum size of any waste pile (in m³), stipulating the maximum length, width and depth-

Table 3 Showing waste pile maximum length, width, depth and minimum separation (firebreak) distance between piles and/or storage areas.

Waste Code	Description of waste	Initial storage-waste pile form	Max height (m)	Max width (m)	Max length (m)	Fire break Type/height (m)	Minimum separation distance to nearest combustible (m)
20.01.01	Cardboard	Loose	4	8	8	Steel bay walls (3m)	6
20.01.39 20.01.40	Plastic & Metals	Loose	4	6	8	Steel bay walls (3m)	6
20.01.01	Paper	Loose	4	6	8	Steel bay walls (3m)	6



The actual measured widths of the bays were:

Cardboard -17.5 m

Paper – 8.75 m

Glass – 8.75 m

Also it should be noted that the height of the waste piles are above the walls which can cause a risk of bridging and spreading a fire. In your current FPMP Table 3 mentions the wall height as 3m, whereas the max stack height is stated as 4m. Further comment is made on this under Section 11 below (with regard to the current FPMP not reflecting the requirements of the guidance)

Therefore the on-site practices are not in-line with the current FPMP, thereby

breaching Condition 3.4.1.

ACTION- Submit a revised FPMP by 28/02/2022 which includes proposed/completed changes and takes account of the comments made previously (included further below in this CAR form). In the interim you will need to comply with the FPMP Guidance.

The following section makes reviews the currently available FPMP dated Feb 2021 comparing this against the comments made by Gareth Davies on CAR form GP3690LR_CAR_NRW0034124 (the section numbers refer to the FPMP Guidance produced by NRW and FRS, not your FPMP document)

Section 5 - Fire Prevention and Mitigation Plan Contents

- separating unburned material from the fire using heavy plant- not included
- separating burning material from the fire to quench it with hoses or in pools or tanks of water (this will reduce the amount of firewater produced)- not included
- any areas where hazardous materials are stored on site (location of gas cylinders, process areas, chemicals, piles of combustible materials, oil and fuel tanks)- locations not mentioned – this is included in the site plan but wording not clear .

Section 11 – Enclosing Stacks Using Bays and Walls

- evidence if bays/walls provide a 120 minute fire resistance period.- not included .
- the construction of the walls – do they offer a thermal barrier and enable cooling ?- not included
- how you will ensure segregation of materials- not included

- how calculation of flame height and radiation has been taken into account in preventing the spread of fire between piles- Section 7 covers part of it but no specifics given (justification need to be given if deviating from the Guidance)
- prevention of brands or lighted material moving outside the bay walls- not included
- prevention of bridging across or around walls- not included

From our observation on the site it is clear that this could be an on-going risk given that the wastes are piled right up to the top of the walls.

- how a 'freeboard' space of 1m at the top and sides of the walls will be physically retained at all times.- not included - Table 3 mentions the wall height is 3m, whereas the max stack height is 4m.

Section 13 – Waste Stored in Containers

- each container must be accessible so any fire inside it can be extinguished- The location of the containers are not stated.
- You must include these requirements in your plan- Not included in the wording or the plan.
- You should be able to move containers as soon as is reasonably practicable in a safe manner to prevent the fire spreading- this is not explained .

Section 6 last paragraph, while including waste types in containers ,No description of action in case of a fire are included.

22 – Designated Quarantine Area

- location of the quarantine area – The truck park is the designated area. In the day-time when the site is operational and fires risk is higher this usually would be empty and given the size of the site this appears to be the most suited location.



- hold at least 50% of the volume of the largest stack

Section 8 of FPMP provides details but has conflicting figures i.e. mentions 10m² and then an area of 8m x 15m x 8m is mentioned. Need to clarify which is applicable.

23 – During and After an Incident

- Diverting incoming wastes to alternative sites during a fire
 - contractors that might be used to assist with additional plant for firefighting techniques, removal of waste material, containment and removal of excess water run-off
- Neither of these, nor the provisions about alerting nearby businesses/residents are included in the FPMP

Documents related to the FPMP :

FPMP refers to Appendices 1-site plan, 2- drainage plan, 3- Waste Storage

Drainage plan and Site plan emailed by Leeann appears to be OK. However while the FPMP refers to a Waste Storage plan as Appendix 3 we have not seen this. It is your responsibility to ensure that the accurate up to date plans are included in the FPMP.

From this review it is clear that the comments made in 2018 are yet to be incorporated in to the FPMP despite 2 years having passed since the comments were made.

FPMP should be in line with the above guidance and approved by NRW. Therefore this is a breach of the permit conditions as above.

ACTION- Submit a revised FPMP by 28/02/2022 which includes proposed/completed changes and takes account of the comments made here. In the interim you will need to comply with the FPMP Guidance.

Non- FPMP related – For Action Only

new Shelter – We understand that a new Shelter is being erected to house any temp. spill over of materials due to baler break-down (Gareth Barnes email 18/02/21), During the site visit Leeann mentioned this is currently with Building Control. Please note you will need to include details of this in to site documentations (site plans , EMS , FPMP) where relevant and send us updated documents.

COTC cover - Used to be Owain York and Peter Jones.

Owain no longer involved – replaced by Rhys Lloyd (Peter Jones continues to provide gap cover) . Please send the TCM certificate for Rhys Lloyd.

Other Observations

Food waste trailer – The trailer had the covering on .There were no wastes outside or near this and there were no pests around

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.