Compliance Assessment Report

Report ID: CAR_NRW0023715

This form will report compliance with your permit as determined by an NRW officer					
Site	Derwen Plant Company Ltd	Permit Ref	FP3893SF		
Operator/Permit holder	Derwen Plant Company Ltd				
Regime	Waste Operations				
Date of assessment	20/06/2016	Time in	09:00	Out	17:00
Assessment type	Audit				
Parts of the permit assessed	Fire Risk & General site activities				
Lead officer's name	Wakeford, Sally				
Accompanied by	Medcraft, Jodie				
Recipient's name/position	Stuart Hanford/ Director	Date issued	25/07/2016		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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
C4 - General Management - Storage, handling labelling and Segregation	C3	2.1.1

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

The site was inspected on 20 June 2016 by Sally Wakeford and Jodie Medcraft. We were accompanied by Conrad Cole and Simon Pearson of Mid and West Wales Fire & Rescue Service Neath Port Talbot Command.

The RRF site at Derwen has been included on a "High Fire Risk" site list due to the volumes and types of waste imported and stored at the site. This inspection was to identify any issues with the set up and locations to attempt to minimise any fire risk from the waste activities occurring on site. A general site inspection was also completed.

C4 – General Management – Storage, Handling, labelling and segregation – CAT 3 breach – Permit Condition 2.1.1.

You have been given a Category 3 breach for the above permit condition because during the inspection it was noted that baled RDF was stored in a structure outside the main building on an area of unsealed drainage (draining to surface water – into the lagoon, which drains to the river).

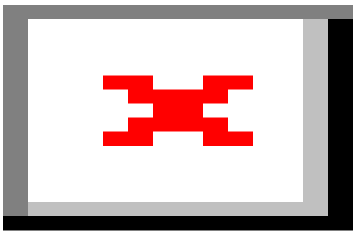
Permit condition 2.1.1 states: ***The operator is only authorised to carry out the activities specified in Schedule 1 tableS1.1 (the "activities").***

Table S1.1 A2 – Refuse Derived Fuel (page 9 of the permit) states: Treated (wrapped and bailed) waste shall be stored:

- ***Either in a building or outside; and***
- ***Either on a hardstanding in a sealed container or an impermeable surface with sealed drainage.***

Even though the structure would be considered a "building" in the definitions (page 26) of the permit, the building must also have sealed drainage. A sealed container on a hardstanding would also be suitable.

Action: Ensure all wastes are stored in accordance with your permit conditions



As we discussed via email, if the ingress of water can be halted through grouting around the base of the structure the other wastes on site can be stored in this manner, however the RDF stockpile needs to be stored as detailed above.

There were no other issues identified on site at the time of the inspection. The site was clean, and well run.

Fire Risk:

On my last inspection I provided you with a copy of NRW's Fire prevention and mitigation plan guidance – Waste. And prior to the inspection you forwarded a draft version of your Fire Prevention and Mitigation Plan drafted in conjunction with the NRW guidance document.

On reading this document through I have identified a few queries which you then answered on site, detailed as follows:

- Managing seasonal demand for RDF: You have managed to get over this issues this year due to the close down of another site in the UK which also supplied the energy and heat plant in Sweden. For future years you may wish to have a back up plan to ensure you do not have to stockpile RDF, or the stockpile is manageable and within permitted limits.
- A detailed site map, with all requirements detailed on pages 5 and 6 of the NRW guidance document, including drainage plans and locations of watercourses/nearby receptors etc. detailed. A detailed site drainage survey has been commissions and you are awaiting the drawings, these will form part of the Fire mitigation plan.
- Sufficient water supplies available for worst case: Worst case is a 300m3 pile of waste, requiring 2000litres of waste per minute for 3 hours (according to the guidance – 80,000 gallons) – You have a 2000 gallon bowser and 600 gallon storage tank available on site. FRS indicated they would have an endless supply of water easily available from the canal. There is easy access to the canal from the site, this may be an option to add to your fire mitigation plan.
- Dedicated emergency/quarantine area bit enough to cope: the centre of the building remains free of waste, and can be used as the quarantine area.
- Where does the drainage in the building go to: Sealed sump which would require pumping out.

Please find below notes made during the inspection of the facility:

- Gas canisters found within the incoming waste are moved to a quarantine location near the office, well away from the recycling facility building.
- The main risks inside the building are the conveyors and generators as much as the large pile of waste. These are regularly shut down/cleaned etc.

***Action: Ensure this is written into the management system & fire risk assessment for the site and are undertaken**.

- The electricity lines running over the building may arc in the event of a fire on site, however the lines may be high enough to not cause any issues.
- The drains for inside the building drain to interceptors and into sumps. These have not been inspected or cleaned in 18 months since the plant has been operational. There are no protocols in place within management system to check these drains as you do not have much wet waste within the building. Derwen indicated you would change the coupling on the outlet of the sump to make it possible to potentially pump out using fire service equipment for re-circulation if possible, or removal.

***Action: Ascertain the volume of the sump (may have been completed during the drainage survey.**

***Action: Ensure the drains in the building and the sump are working effectively and should be checked regularly to ensure they are not filled to capacity. Consider adding checks to your maintenance/inspection schedule to ensure they stay in a functioning state.**

- Security: leave the lights on/motion sensors/PIR system on the building linked to an external alarm response company. Since having this system in place there have been fewer incidents of unwanted visitors. The site is not fenced from the canal, but there is no public access to that side of the canal. Security on site is much improved from previously.

***Action: Explore other options of securing the site.**

- There is a large stock (approx. 2,000) sandbags on site at any one time.
- Sandbags may be placed close to the exits of the building to “dam” the doorways to create a bund in the event of a fire to contain fire water within the building.

Action: Consider adding this to your fire mitigation plan – containment of fire water within the building.

- In the event of a fire the plastic sheeting on the roof may melt, creating a chimney upwards.
- The canal would be the obvious supply of water in the event of a fire.
- The drains outside the building drain through sand traps and into the lagoon. The lagoon appeared

silty – Future site inspections may focus on the drainage system once drainage plans have been developed (in progress). Along with outlet to the river. In the event of fire water exiting the building/fire outside, the water would enter the lagoon. Lagoon water would not be suitable for use in the event of a fire.

***Action: Derwen to investigate drain covers for the drains in the yard and position sandbags nearby to create bunds if deemed necessary or possible.**

- Stockpiles on site are always kept to a minimum. The small piles in the bays on the outside of the building may be pulled out to put them out, drains/outlet to the river would then need protecting.
- Drainage survey has been completed, awaiting full drawings. These will bring the Fire Mitigation Plan in line with the NRW guidance on fire risk.

Overall the FRS was very pleased with the way operations are run at Derwen, their main comment was "If Derwen put all the measures in place I would say that this premises would be a very good example of excellent management of Fire Prevention and Mitigation". The actions highlighted with a * above are the actions the Fire Service would consider the best starting place.

Action: Please forward a copy of your Final Fire Prevention and Mitigation Plan once it is completed.

If you have any queries or concerns with any of the information detailed above please don't hesitate to contact me. Thank you for your time and input on the inspection.

	EPR Compliance Assessment Report	Report ID: CAR_NRW0023715

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Operator/Permit holder	Derwen Plant Company Ltd	Date	20/06/2016

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			
C4	C3	Store all wastes in compliance with the permit conditions	31/07/2016

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 reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty 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.