

Compliance Assessment Report

Report ID:
CAR_NRW0000046

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

Site	Swansea Drydocks Ltd	Permit Ref	UP3298VL			
Operator/Permit holder	Swansea Drydocks Limited					
Regime	Waste Operations					
Date of assessment	28/01/2016	Time in	10:00	Out	13:00	
Assessment type	Audit					
Parts of the permit assessed	Permitted activity, management, incident management					
Lead officer's name	Thomas, Ffion					
Accompanied by						
Recipient's name/position	Karl Dunn/ Managing Director	Date issued	23/03/2016			

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
A1 - Specified by permit	C3	1.1.1(a)
C1 - General Management - Staff competency/training	C3	1.1.1(b)
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to the Environment Agency	X	
	C4	2.3.1(a)

KEY: See Section 4 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **N** = Not Assessed, **X** = Action only

Number of breaches recorded	3	Total compliance score (see section 5 for scoring scheme)	8.1
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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

Introduction:

This Compliance Assessment Report (CAR) form has been completed following an audit undertaken in response to a fire incident (NIRS 1402311) that occurred at the permitted facility at Swansea Drydocks on the 11-12/1/16. It forms part of the sites on-going permit compliance assessment.

Correspondence, dialogue and email, related to the incident had been held during the time of the incident and NRW liaison with the Fire Rescue Service (FRS) confirmed no on-going impacts to the environment due to full containment within the dry docks and no further pollution to air following extinguishing of the fire. NRW attendance to the fire was not requested.

The follow up permit compliance audit was undertaken with Karl Dunn, managing Director, on the 28/1/16.

The audit looked to establish what and how the incident had occurred. To review the sites operating techniques, assess compliance with the accident management plans (which form part of the permit) and seek to determine the root cause.

Incident timeline:

12/1/16

- 03:31 Fire incident reported to NRW 12/1/16 by FRS. Fire at vessel in the dry docks. NRW attendance not requested.
- 09:30 Incident passed to Ffion Thomas who contacted (verbal) Swansea Drydocks (Karl Dunn) on 12/1/16, Karl confirmed fire had occurred and followed up with an email containing details (see below)

28/1/16

- Site audit undertaken

3/2/16

- Schedule 5 notification and requested documentation during audit received.

Audit Findings:

The vessel currently being recycled is Mainport Ash that arrived in July 2014 under its Special dry docking Survey. It was during that docking, costs to reinstate class conditions exceeded their expectations and owners therefore sought to sell the vessel. Swansea Drydocks around the same time were approached by an offshore company interested in acquiring this same vessel for conversion. Swansea Drydocks purchased the vessel and entered into dialogue with this interested party procuring a deal to refit the vessel that later unfortunately fell through. Mid November we decided to recycle the vessel.

On the 12/1/16 Karl Dunn provided verbal confirmation that a fire had occurred

at the dry docks and via email confirmation that the vessel involved was being recycled. (the facility does have the capability to undertake ship repair which is not regulated under the EPR permit so confirming this aspect was imperative to establish any compliance issues.

No pre notification for this vessel had been received as per permit condition 2.3.1 a) table S1.2 referencing the operating techniques plan II CRM.018.003.R.004.A. This oversight was confirmed in the email of the 12/1/16. Whilst all required paper work for the pre notification was made available failure to pre notify is a breach of the permitted requirements and therefore I have assessed the compliance breach as a CCS Category 4 = non compliance that cannot foreseeably have any impacts on the environment. As operators have already acknowledged this issue no further action is required at this time.

During the site visit undertaken on the 28/1/16 Karl Dunn was questioned further about the events that lead up to and occurred during the fire. Karl confirmed that hot cutting of parts of the hull had occurred on the afternoon/early evening of the 11/1/16.

The ship had in the past utilised hull space for fuel storage and whilst oils had been removed off the ship from the actual fuel tanks, as per the recycling plan, some residual fuel was feasibly within the hull crevasse.

An illustration below shows how internally the hull of a ship has many "pockets" where fuel can reside especially if historic practices have seen fuel stored in the hull ballast.

Not until the hull is cut and dismantling progressed can these locations be fully identified.



Karl confirmed that, as procedure, visual inspections of the hot cutting was undertaken during the operation and firefighting equipment at hand should any flare ups occur. Equally following completion of the hot cutting site staff remained at the location for (approx. to be confirmed) 1 hour with firefighting equipment to ensure any risk of ignition was minimised.

Operations staff left site that evening and the night security staff took over responsibilities. Part of the security role is to undertake hourly patrols of the site, this includes undertaking checks for any environmental concerns. Karl Dunn acting as the incident commander checked the sites CCTV footage and discovered that the hourly checks had not been undertaken and it was during this time that what appeared to have been a residual hot spot had been fanned by increasing wind and reignition occurred. As the checks were not undertaken timely and swift fire prevention was not undertaken and it was not until the boat was well alight did the issue come to the attention of the security staff.

The FRS confirmed to NRW that they were requested to attend and on arrival found there to be a fire at the partly dismantled ship.

During the Audit I, Ffion Thomas, requested a copy of the sites accident prevention and emergency response plan. This was later submitted by email on the 3/2/16

Discussions were also held regarding how staff were trained and confirmation was given that security staff did receive training and sign off of their duties. The docuemtn below also confirmed that patrols were part of that duty.

The Documentation was forwarded by email on the 3/2/16 confirming this see print screen included below:

	A	B	C	D	E	F
1		Security Nightly Housekeeping Jobs				
2	W/C Date					
3						
4	TASK IN ORDER	Mon (Sign box)	Tue (Sign box)	Wed (Sign box)	Thur (Sign box)	Fri (Sign box)
5	Carry out patrols on dock yard every hour, which includes patrolling the drydocks and checking for any environmental concerns i.e. spillages, bund integrity and sign of fire.					
6	Tidy the canteen, empty waste bins, clear floors of rubbish, clear tables of rubbish, Mop floor with hot					
	Clear the locker room of overalls from the floor and					

The fire incident does constitute a breach of the environmental permit against permit condition 1.1.1 (a) and categorised under CCS on the reasonably foreseeable impact on the environment. Due to the weather conditions during the incident air pollution was out to sea, and there was full containment of fire water runoff and debris in the dry dock. Therefore I have assigned a CCS score of Category 3, as a non compliance has occurred that could foreseeably result in pollution classified as a cat 3: minor or minimal impacts to the environment.

The root cause of the fire appears to have been human error in not undertaking the required managing techniques. The procedures required by the permit are in place however if the hourly checks had been undertaken the fire could foreseeably have been prevented as hot spots would have been noticed and cooling water could have been applied prior to ignition. The company have undertaken disciplinary action.

This failure constitutes a breach of the permit under condition 1.1.1 (b) and a CCS score of 3 has been assigned as a non compliance has occurred that could foreseeably result in pollution classified as a cat 3: minor or minimal impacts to the environment.

Permit condition 4.3.1 (a) requires the operator to notify NRW of (not limited to) any accident which is/has/may cause significant pollution. The notification is required to be made within 24hours of detection. There was a delay in making the schedule 5 notification, however as verbal confirmation had been received of the incident at the time and the matter of making notifications discussed during the audit, there will be no further action undertaken but you are provided with the advice to ensure notifications required under permit condition 4.3.1 are made as per schedule 5 requirements.

Site visit:

A short tour of the site was undertaken, and whilst the ship dismantling activities are underway there was good waste management seen on site. Wastes were segregated and stored according to the permit.



The impermeable and reinforced pavement through the site are still in extremely good condition and this is all due to the good infrastructure development that was undertaken during construction, adding steel plate into the pavement to assist in integrity at drop zones and allow for cutting locations.

Drains at the site were also in good condition and no issues identified.

Internal storage is also in place and good housekeeping in place. Integrated bulk containers, IBC's, are stored within the building and store oils and/or ballast prior to collection.

Currently Swansea Drydocks are transferring metal waste to EPS metals Swansea docks. This accommodates for any bulk items that would otherwise be subject to highway regulations.

Once the ship has been fully recycled/dismantled a completion statement will be forwarded to NRW as per the ship recycling facility plan and permitted operating techniques for our assessment.

END.

EPR Compliance Assessment Report

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Operator/Permit holder	Swansea Drydocks Limited	Date	28/01/2016

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			
A1	C3	Improve operations to ensure minimisation of accidents	30/03/2016
C1	C3	Company have already undertaken disciplinary action and improved staff training.	30/03/2016
G4	X	Permit condition 4.3.1 (a) requires the operator to notify NRW of (not limited to) any accident which is/has/may cause significant pollution. The notification is required to be made within 24hours of detection. There was a delay in making the schedule 5 notification, however as verbal confirmation had been received of the incident at the time and the matter of making notifications discussed during the audit, there will be no further action undertaken but you are provided with the advice to ensure notifications required under permit condition 4.3.1 are made as per schedule 5 requirements.	30/03/2016
G4	C4	improve operations to ensure pre-notifications are made	30/03/2016

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.