Compliance Assessment Report CAR_NRW0039407

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 17/02/2022. Parts of permit assessed: Fire **NRW Lead Officer:** Liz Park. **Report sent to**: Mark Phillips/ Liz Sheppard, TCM/ Environment Coordinator on 17/02/2022.

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 (Suspended)	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	0

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	Review and update FPMP	31/03/2022

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

C2 - Management Systems and Operating Procedures - Permit Condition 3.4.1 **CCS Cat 3 (Suspended)**

The Fire Prevention and Mitigation Plan (FPMP) does not fully meet the Guidance. However, as significant progress has been made and you are actively addressing the issue, the score has been suspended.

Review of Ystradgynlais FPMP Version 3 date October 2021

Undertaken by: Liz Park (Waste Regulation Officer)
Completed on: 17/02/22

Liz Park's comments are highlighted in yellow

Section 5: Fire Prevention and Mitigation Plan Contents (pp. 8-10)

ACTION: Revise FPMP to provide the following information, that meets the standards in the FPMP guidance	
Reference number	**Detail**
5.1	*the total amount of waste and the types and forms that are stored on site at any one time and the maximum time each type of waste will be stored on site and how it will be managed* 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. 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. ACTION: REVISE FPMP to include this information NRW Review comments There remains a discrepancy between the storage times in the document. On page 9 you state that *Storage times are to be kept to a minimum and less than 3 months for materials at risk of self combustion* but on page 10 for General Combustible wastes, wood, carpets, bulky waste, incombustible waste, WEEE and Hazardous waste that the maximum storage time is 1 month. It is noted that the Appendix details the weekly and monthly throughout of all waste streams. ACTION: You must include the maximum storage times for ALL wastes, and not just those listed above, and the storage times must be consistent throughout the document.
5.2	*How each waste will be stored*

	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. ACTION: This must be included. NRW Review comments These are now clearly identified on the site plan. Please be aware of the use of acronyms. uPVC is widely known, but SDA (Small Domestic Appliance), LDA large Domestic Appliance and ISO for CRT are not. Please consider using the full names or having an index
5.3	*Monitoring* 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 of your updated FPMP you continue to state that containers will be checked as part of daily inspections. Again - this needs to be undertaken more than once a day and highlighted as such in your FPMP. NRW Review comments Designated inspections occur three times a day and containers are now regularly monitored throughout the day On page 15, the FPMP mentions 'Investigation and Repair of Container' if a container is identified as being at risk, fire of 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 Whilst you no longer state in your FPMP that the site manager will complete an investigation and repair of a container if a fire or burning smell is detected; you have not included what actions would be undertaken if a fire or burning smell were detected, other than isolating the container and prohibiting its use as you noted previously. NRW Review Comments Section 2.1 on page 4 gives details of what to do in the event of a fire being detected. However, on the bottom on page 16 it still does not mention what will actions will be taken if a container is identified as at risk, a fire of burning smell is detected other than placing a sign to prohibit access. If there is a fire or smell of burning, action must be taken. ACTION: Amend this section so that it is clear – you can refer to a different section of the FPMP.

5.4	*Techniques used to minimise risk of fire spreading within the site or from the site* 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. You have not amended the sections in your FPMP concerning the techniques used to minimise the risk of fire spreading within or from the site, and the steps and procedures to be followed in the event of a fire as requested. It therefore remains unclear whether you are intending to move containers on fire to the quarantine area or containers not on fire. NRW Review comments On page 10, it has been clarified that the adjacent containers will be moved should a vehicle be available. ACTION: Consideration should be given as to what steps could be taken if a vehicle is not available. Note on page 16 it is stated that a Ro-ro is available at all times. 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. On page 11 of your updated FPMP you continue to list fire management techniques which you state "are to be considered". Once again, these actions need to be considered and plans put into place now and not when a fire is occurring. NRW Review Comments Ammended
5.6	*all combustion products and emissions (to air, land and water) from the fire and the emergency response (including the impact on the community, critical infrastructure and the environment) and how they will be minimised* 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.

	You have not amended the section in your FPMP concerning emissions to air, land and water during a fire and how these will be minimised and managed (page 10). Whilst you continue to note how you will manage fire water on page 18 of your updated FPMP, you must recognise the potential pollution impact of both smoke and fire water on people and the environment, including any measures you will take to minimise these. Please note that the Afon Twlch, a sensitive receptor, is less than 50m away from your site, and that the site is situated on a Secondary A - Minor Aquifer. It is imperative that you consider the potential pollution impact of a fire on both of these and how you aim to minimise these impacts. NRW Review Comments Unless you have permission to discharge fire water to foul sewer, the foul drains as well as the surface water drains would need to be covered. The FPMP acknowledges smoke but at present are unclear as to the potential impact.

Section 5 – Site plan

ACTION: Revise FPMP to provide the following information where required, that meets the standards in the FPMP guidance	
Reference number	**Detail**
5.7	As requested, your updated FPMP now includes three site plans rather than one and each contain a greater level of detail and are much clearer. There are however some aspects of these site plans which require further detail or amendment: 1. *Layout of buildings* As before, no building is clearly identified on a site plan. A welfare unit is labelled, however it is unclear whether it is a building/ the operatives shed etc. For individuals who may not have visited the site, this could be made clearer. This is now labelled as the welfare unit and office 1. *Areas where hazardous materials are stored* As before, areas where hazardous materials are stored have not been clearly identified on a site plan. These should be marked using identification symbols (eg hazardous, flammable etc.). LPS/Gas and gas tank are identified on the site plan

1. *Fire and Rescue Service (FRS) access*

Public access to the site has been labelled on one of your site plans, however FRS access has not been clearly identified as required. In the CAR dated the 4th of March 2021, it was suggested that a separate site plan be produced to clearly show FRS access. Please consider producing a separate site plan for this purpose.

1. Access points around the site perimeter to assist firefighting

You have not identified access points around the site perimeter to assist firefighting as requested. Please include these.

The main entrance and HGV entrance are marked on the site detail plan

1. *Hydrants and water supplies*

On page 18 of your updated FPMP you state that "a fire hydrant is located within 100m from the main transfer site entrance. Please refer to the attached plans". This hydrant is not identified on any of the site plans, yet "fire hydrant location" is included in the FPMP's table of contents beneath appendices. Please identify its location on one of the site plans.

ACTION: This is still not identified on any of the site plans. This must be included.

1. *Location of plant, protective clothing and pollution control equipment and materials*

The location of a storage container containing spill kit/tools was identified on the site plan of your previous FPMP, however it is no longer included on any of the site plans in your updated FPMP. If this container remains on site, please identify its location on a site plan. In addition to this, please identify the location of the drainage mats and sandbags which you mention in the text of your FPMP.

ACTION: There is a dot for fire fighting equipment. Please confirm what this includes.

1. *Location of an off-site emergency information pack with site plan*

You have not identified the location of an off-site emergency information pack on any of your site plans as requested. Please identify its location on a site plan.

ACTION: This has still not been identified on a site plan

1. *Location of sensitive receptors within 1km of your site*

	Your site plan identifies the location of a number of sensitive receptors in the immediate vicinity of your site including the Afon Twlch, an area of native tree planting, woodland, and an area to provide mitigating habitat for reptiles. You do not however mention these in the text of your FPMP and your plan does not identify all sensitive receptors within a 1km radius of your site as required. The sensitive receptors you have listed in the appendix of your updated FPMP should be identified on one of your site plans if they are located within 1km of the site. ACTION: The receptors plan has a 500m radius and not a 1km radius. Please confirm that there are no sensitive receptors between 500m and 1km. 1. *Location of unmade ground* You have not identified the location of unmade ground on any of your site plans as requested. Unmade ground is present, please indicate its location on a site plan. This has been identified on the general layout plan. 1. *Compass rose showing north and the prevailing wind direction* Whilst you have included a north arrow on one of your site plans, you have not identified the prevailing wind direction using a compass rose as required. We accept that you do not consider wind direction to have an impact at this site (page 6), yet Guidance Note 16 requires you to include a compass rose on a site plan. This is within the document 1. *Location of fire-fighting equipment* On page 4 of your FPMP you continue to state that fire-fighting equipment such as extinguishers and hoses are available on site to be used in the event of a fire if it is safe to do so. You have not however identified the location of this equipment of any of the site plans as requested. Please identify their location. This has been identified on the site detail plan

Section 6: Common causes of fires and preventative measures (pp. 10-11)

ACTION: Revise FPMP to provide the following information where required, that meets the standards in the FPMP guidance	
Reference number	**Detail**

6.1	A list of common causes of fires has been listed. If is noticed that 'Visitors and Contractors' are not listed. This is considered to be a possible cause. Being a HWRC, there are many visitors You have not included visitors and contractors as a common cause of fire in your updated FPMP as requested. Please include this. NRW Review comment. Visitors have been listed

Section 13: Waste stored in containers (p. 29)

ACTION: Revise FPMP to provide the following information where required, that meets the standards in the FPMP guidance	
Reference number	Detail
13.1	Consideration should be given as to what to do in the event that a Ro-Ro lift is not available on site. On page 5 of your updated FPMP you continue to state that "a Roll-on Roll-off hooklift vehicle may be available that can be used to move waste containers around the site" in the event of a fire. You have not however considered how you will move containers if a Ro-Ro lift is not available as requested. Please include this information in your FPMP. NRW Review Comment The FPMP on page 16 states that a Ro-Ro hook lift vehicle will be available at all times. Though as previously mentioned the plan states containers will be moved if a vehicle is available. This need clarifying.

Section 19: Firefighting strategy (pp. 32-33)

ACTION: Revise FPMP to provide the following information where required, that meets the standards in the FPMP guidance	
Reference number	**Detail**
19.1	The FPMP states that there are adequately trained staff – how this is managed and recorded should be considered. On page 5 of your updated FPMP you continue to state that adequately trained staff are available at all times to fight a fire. You have not described how this training will be managed or recorded as requested. Please include this information in your FPMP.

	NRW Review Comment The plan now clearly states what training the staff have had

Section 21: Managing water run-off (pp. 34-35)

ACTION: Revise FPMP to provide the following information where required, that meets the standards in the FPMP guidance	
Reference number	**Detail**
21.1	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. You have not included any further information on the above topic in your FPMP. Please provide this information. NRW Review Comment The FPMP states that surface water drains will be bunded but this is not recorded in section 11 – Managing Fire Water. There is a risk from any fire water on the unmade ground affect groundwater and surface water bodies. As the container on fire is to remain in situ on the impermeable surface, this risk will be mitigated. ACTION: The FPMP states that bunded fire water will be tankered. Consideration must be given as to where this fire water will be taken to.
21.2	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. You have not clarified in your FPMP whether you have established a written agreement with Welsh Water to discharge fire water to sewer. Please clarify this. NRW Review Comment This remains unclarified
21.3	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. On page 18 of your updated FPMP you again state that you have considered the volume of fire water generated if your largest container were on fire. Please give consideration to the amount of fire water that could be generated if more than one container were on fire and/or the

	fire were to spread to other areas of the site. NRW Review comment Remains unchanged

Section 23: During and after an incident (p. 36)

ACTION: Revise FPMP to provide the following information where required, that meets the standards in the FPMP guidance	
Reference number	**Detail**
23.1	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. On page 4 of your updated FPMP you continue to state that in the event of a fire, you will identify if neighbouring contractors can assist you with additional plant for firefighting techniques. You have since provided the contact details of some local contractors in your list of sensitive receptors on page 21 of your FPMP; however you do not specify which of these may assist you with additional plant. Please include this information. NRW Review comment It is understood that plant would come from the Potters Group
23.2	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 clears steps detailing what must be done before to the can operate again. On page 19 of your updated FPMP you continue to state that "the affected areas of site will be cleared, cleaned and decontaminated as required" following a fire, yet you have not provided any further details on how this will be achieved. You have also not elaborated on the steps which must be undertaken before the site can become operational again. NRW Review Comment

	You may wish to confirm which manager has final say that the site can re-open as the Health and Safety Manager, senior management and relevant manager are all mentioned in this section.

Section 24: Reviewing and monitoring your Fire Prevention & Mitigation Plan (pp. 36-37)

ACTION: Revise FPMP to provide the following information where required, that meets the standards in the FPMP guidance	
Reference number	**Detail**
24.1	There should be within the FPMP details on how compliance with the FPMP will be maintained. You have not provided further detail on how compliance with the FPMP will be maintained. Please explain this. NRW Review Comment As stated in the guidance, the methods and procedures you use to maintain compliance should be listed as a separate section within your FPMP.

In addressing the points raised above it should not be relied upon to mean that the measures are considered to represent appropriate measures covering every eventuality through operation of the permit. **Your FPMP should be kept under constant review to ensure measures remain effective. You must also ensure that the plan is fully implemented on site at all times. The plan should be revised where necessary in accordance with Section 24 - Reviewing and Monitoring your Fire Prevention & Mitigation Plan of the guidance.**

In a future compliance assessment visit, we will undertake an assessment of your compliance with your FPMP.

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.