Compliance Assessment Report

Report ID:
CAR_NRW0035266

This form will report compliance with your permit as determined by an NRW officer					
Site	Bryn Pica Waste Operations	Permit Ref	AP3199FE		
Operator/Permit holder	Cynon Valley Waste Disposal Company Ltd				
Regime	Waste Operations				
Date of assessment	11/06/2019	Time in	10:00	Out	12:00
Assessment type	Report/Data Review				
Parts of the permit assessed	1.0, 2.0, 4.0				
Lead officer's name	Taylor, Richard				
Accompanied by	Lewis, Kirsty				
Recipient's name/position	Lee Foulkes/ Technical Manager	Date issued	18/06/2019		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. 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**
C2 - General Management - Management system and operating procedures	C3	1.1.1, 1.1.2, 4.3.1

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

Bryn Pica MRF site visit

Permit AP3199FE

CAR form follow-up to site fire on 16th and 17th May 2019.

Present; Lee Foulkes, (Amgen), Kirsty Lewis (NRW Officer), Richard Taylor (NRW Site Officer).

The purpose of the site visit was to follow up the response to site fires which occurred on 16th and 17th May 2019.

Permit condition	Inspection findings
1.1.1 The Operator shall manage and operate the activities, a, in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, etc	1. Site had an 'Emergency procedures General' report available, ref 6025. This was dated Nov 2005 and was last reviewed Sept 2014. The document carried a review date of Sept 2018, but no record of this being carried out was seen. Minor smoke pollution was observed from the fire which could foreseeably have been avoided if the management system had been updated.
1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.	2. The Site procedures had not been officially reviewed or updated, thus breaching this permit condition.
4.3.1. NRW to be informed without delay following the detection of a, any malfunction, break down, failure of equipment, techniques, accidents or emission of a substance not controlled by an emission limit which	3. NRW were informed of the fire on 16th and 17th May via the Fire rescue service, not by site members. On review of the site policy, there is no list of emergency service contacts, nor any mention of informing NRW of an emergency as is

has caused, is causing, or may causes significant pollution.	written down for this permit condition with the exception of the general 999 number for services under chapter 9 on page 6. Non-contact with NRW breaches this permit condition.
Schedule 1, table S1.2 refers to the NRW guidance 'How to comply with your environmental permit. Site security arrangements are listed here for best practice.	Site were informed on the site visit that a breach of permit conditions would be applied. However, this has been reconsidered and dropped. Site is a large area and has a large fence line. One root cause for the fire identified was that an intruder entered the site through a perimeter fence. A risk approach has to be taken with the security of a fence line. Although it would meet best industry standard to have 10-foot-high metal railings around the whole site, this would be prohibitively expensive. Instead site has proposed to fence off certain operational areas, leaving the perimeter fence to be maintained by site staff. This risk-based approach is acceptable for this site.
…………………………………………………………………………. Latest guidance	…………………………………………………………………………….
The site is currently planning a permit variation. Part of this will involve the review and submission of a new Fire prevention and monitoring plan. The site had a copy of the latest guidance to hand; Fire Prevention and Mitigation plan guidance – waste management as Guidance note 16 published Aug 2017.	Site Emergency plan PRP6025 'Emergency General Procedures' carries no risk assessment for the likelihood of fire, impact of emissions, resources required, or post incident clean up.
The site FPMP must include.	
• Amount and type of waste received daily and how it is managed.	• Not included in current site plan.
• Total amount of waste and types and forms, i.e., shredded, unprocessed, chipped, etc.	• Not included in current plan. However, site has drafted management plan for variation submission.
• Amount of time each waste type will be stored on site, and how this is managed.	• Site plan does not cover this.
• Location where each waste type will be stored	• Not included in current plan. However, site has drafted a management plan for the bottom sheds which needs to be extended to include the whole permitted site for the variation submission
• Max size of waste piles, stipulating the max length, width and depth.	• Currently absent from current plan. New permit submission must include this evaluation for all permitted site materials.

• Minimum separation distances for fire breaks between waste piles and stacks.	• Not included in current plan. New plan must adhere to latest guidance.
• Clear area established around site.	• No plan included with the current procedure PRP6025.
• Fire prevention techniques, i.e., hotspot management, monitoring, reporting and actions.	• Techniques mentioned for each process building refer to initial actions in the event of a fire only.
• Techniques to minimise the spread of fire.	• Not listed in current plan.
• Steps to be taken in the event of a fire.	• Steps listed in each area.
• List of all combustion products to air, soil and water from the fire and the products of firefighting, and how these will be minimised.	• Not itemised or listed.
• Sensitive receptors within 1 km radius of site boundary. Human – schools, hospitals etc, Environmental – waters, protected habitats etc.	• Not listed.
• Safe access to site	• No plan attached
• Site plans must include; Scale drawings of buildings, fire exits, location of utilities. Hazardous stores location, position of fuel tanks, oil and chemical stores, location of potentially hazardous areas, i.e., landfill gas site.	• No plan attached
• Location of water supplies, or hydrants	• Not listed
• Location of well or boreholes on site	• Not listed
• Areas of natural or unmade ground	• Not listed
• Location of plant, protective clothing, and pollution control equipment.	
• Drainage maps and direction of flow	• Not listed
• Location of drain covers, plus any pollution control features installed, i.e., drain closure valves, fire water containment.	• Not shown.
• Location of emergency ‘grab pack’ containing site details for Emergency services. NRW recommend having two packs available, one for each crew.	• Improvement item.
• Location of quarantine area.	• Not listed
• Assembly points for staff and visitors.	• Available but not on-site plan.

Site had conducted their own investigation into the fires at the time of the site visit. The root cause had not been identified but had been narrowed down to four possible causes had. These included, intruder trespass and suspected arson, an illegally discarded cigarette stub, and self-heating from the piles. There was a question over the availability of fire water on site which has been subsequently raised as an improvement area by the site.

The site had drawn up an improvement plan to address the issues which was viewed. The proposals identified were aimed at minimising the risks identified by the possible root causes above. These were seen as a welcome improvement. The plan will go forward towards permit variation V013 for approval along with a new fire prevention and minimisation plan. The FPMP will form part of the site environmental management system and will double up for the permitted landfill site adjacent.

Permit Breaches	
1.1.1	Smoke occurred from site fires on 16th and 17th May 2019. The Management system was deficient at the time of the fire and should have been updated to use the latest guidance.
1.1.2	Management system had not been reviewed
4.3.1	Site notification system not in place to notify NRW of the incidents.

Result	1 x Cat 3 consolidated permit breach for minor smoke pollution, not having an updated accident management plan in place, and failing to report the incidents to NRW.

End

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Site	Bryn Pica Waste Operations	Permit Ref	AP3199FE
Operator/Permit holder	Cynon Valley Waste Disposal Company Ltd	Date	11/06/2019

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			
C2	C3	update site accident management plan to latest guidance standards and submit with permit variation V013	31/07/2019

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