

CSG Upper Parting Works

One Year On

Dear Resident

This newsletter has been put together by members of the Community Response Group to let you know what the public bodies have been doing and where things stand now, one year on from the incident.

The Community Response Group was set up in November 2000 to review information arising from the incident and agree how this could be best provided to the community. Its members include, the Environment Agency, Gloucestershire City Council, Gloucester County Council, Gloucestershire Health Authority, Sandhurst and Area Action Group, Sandhurst Parish Council, Tewkesbury District Council and United Benefice 27.

All waste has now been removed from the site and CSGs licence remains suspended. The criminal investigation is making good progress. There have been two surveys on the impact of the incident on the health of the local community and the results have been released. A consultation process on the future regulation of the site is under way. Lessons have been learned about the way such sites are regulated and how public organisations like ours need to respond to a major incident like this one.

There is more detailed information below, so please read on. If you want to know more, you will find some telephone contact numbers at the end of the newsletter, or you could talk to one of the community representatives, who will try to help you.

Yours sincerely

Dr Jean Tyler

Chairman of the Community Response Group

The Investigation

Cause of fire & criminal investigation

The investigations into the cause of the fire and the criminal investigation are related. The Environment Agency (the Agency) and the Health and Safety Executive (HSE) are conducting these investigations jointly. Progress to the end of April 2001 was summarised in a report to the Deputy Prime Minister. Since then, the team has been looking into possible offences under the Control of Major Accident Hazards (COMAH) regulations, the Environmental Protection Act Ionising Radiation Regulations and the Radioactive Substances Act.

The investigation has been very complex, but considerable progress has been made and it is expected to be finished by the end of November 2001. The support and co-operation of many residents of Sandhurst, Maisemore, Longford and Twigworth in providing evidence to the investigation teams is gratefully acknowledged.

When the results are known, the Agency and HSE will consider their findings and decide what needs to be done next. Community representatives will be informed as soon as possible of the decision.

A number of theories about the cause of the fire have been considered. The HSE has carried out

experiments to study the potential fire risks of storing laboratory chemicals like those at the CSG site, and how the fire might have spread. It has not been possible to identify the exact cause, but the investigation points to a chemical reaction or arson as the most likely causes.

Planning permission

Gloucestershire County Council originally granted planning permission to CSG in 1978, which allowed the company to use Upper Parting Works for the treatment of waste oils and oily wastes. Some related activities were also allowed, but no other uses were approved. The County Council has investigated the extent to which operations at the site before the incident went beyond these activities.

It concluded that there had been a change of use for which planning permission had not been granted. Consequently, on 25 July 2001, the County Council issued three planning enforcement notices against unauthorised change of use. These required CSG to stop using the site for any chemical waste treatment or transfer process other than the treatment of waste oils or oily wastes. On 9 October, CSG appealed against these enforcement notices and this is likely to result in a public inquiry.

The County Council is now considering retrospective planning applications from CSG for buildings and equipment on the site.

Health

Gloucestershire Health Authority carried out two surveys to find out how the incident had affected the health of the community. It found that there had been both physical and psychological effects in the area affected by the plume of smoke from the fire. Most of the symptoms had resolved four weeks after the incident, but some were still in

evidence seven months later. The results of these surveys have been shared with the community.

The Health Authority has worked with other organisations to interpret the environmental and health data, both for local people and as part of the investigation process.

A scheme to monitor the health of local residents over the next 10 – 20 years is now being put into place. The Health Authority will be working with its successor organisation (probably West Gloucestershire Primary Care Trust) to transfer responsibility for monitoring local health to them by April 2002.

Monitoring of the Environment

It is acknowledged there was little actual monitoring of the smoke plume on the night of the fire although local people reported symptoms beginning within the first 24 hours of the incident. Internationally recognised experts are being used by the Agency to identify the chemicals released during the fire and estimate the subsequent exposure of people and the environment.

In the period after the fire a joint monitoring strategy to determine the impact of the incident was developed by the Environment Agency, Tewkesbury Borough Council and the Health Authority.

Over 17,500 tests were carried out on 500 samples. The Agency commissioned AEA Technology (AEAT) to review the data and the conclusions that had been reached. AEAT's report concludes, "Whilst there was distinct evidence of contamination on the site and adjacent areas where firewater had collected, there was no evidence to indicate that there had been widespread contamination off the site at levels hazardous to health or the environment".

Samples were taken from 19 residential properties and

tested for a variety of air, sediment and water contaminants. The Agency and the Health Authority produced an individual report for each property.

The letters sent to householders stated that, from the results obtained in and around the properties, no significant chemical impact could be attributed to the CSG incident. In several cases, raised levels of specific compounds were detected but these were found to be linked to the property itself and not the incident.

Towards the end of January 2001, the Agency became aware that low activity radioactive materials had been accumulated on the CSG site. There was a possibility of some radioactive material being released in the fire.

The Agency employed Harwell Scientific to monitor and take samples off site on 8 and 9 February.

Contamination monitors were used and soil samples taken for analysis. Land at the limit of the flooded area was also surveyed to ensure that no solid material had escaped. The report concluded that there was no evidence of the escape of radioactive material in the areas surveyed or on the vegetation or soil samples taken.

Lessons Learned

As with all major incidents and investigations there are lessons to be learned and all the organisations involved with incident and/or the regulation of the CSG site are determined that the lessons learned are implemented both locally and nationally. These include:

Responding to a major incident

Gloucestershire Major Incident Co-ordinating Group (GMICG) is the major policy group for emergency planning within Gloucestershire. It was established in 1990 to help co-ordinate the response of emergency services and local authorities to a major emergency through what is known as Gold Control.

GMICG have discussed the incident and identified a number of actions that need to be taken to ensure that lessons are learned. Work has started to ensure that all the agencies understand their roles and responsibilities and to develop a system for providing health advice to the public during a major incident.

- A training programme has been developed which includes simulation exercises to enable

organisations to practice their incident response plans. Other training is also being developed for local emergency centres and Gold Control.

- A health sub group is reviewing health advice, risk assessment, sampling and health information.
- The rescue sub group is looking at evacuation procedures and advice to those making evacuation decisions.
- Local authorities have updated their rest centre plans and are now reviewing their welfare care procedures.
- A media and public information sub group has been asked to find ways of improving communication across partner agencies and with the local community.

The Environment Agency National Action Plan

The Agency has developed a National Action Plan to ensure that lessons from the incident are learned

across the country. Twenty one specific actions have been identified. For each action, a manager has been made responsible for taking it forward and given a target date for its completion.

The following actions have already been completed:

- A review of all licences issued to CSG across the country
- New guidance to operators on Best Practices for Site Operations of Chemical Waste Treatment and Transfer Stations.
- An audit of the application of the Agency's Enforcement Policy
- A review of procedures for long running pollution incidents and partnership arrangements.

HSE National Action Plan

To ensure that lessons are learned from the incident and taken up by the whole industry sector HSE will:

- Review the technical requirements and standards for the handling of incoming chemicals and their subsequent identification and storage
- Meet industry representatives in November this year to provide information that will enable them to publicise the lessons learned and the action that needs to be taken by their members.
- Carry out inspections at similar establishments to ensure that the necessary actions have been taken and that they are complying with the

legislation. The Inspection Programme will begin in April 2002 and will be co-ordinated with the regulation and licensing of sites by the Environment Agency.

Gloucestershire Health Authority

The Health Authority is responsible for providing advice and expertise about public health hazards arising from chemical incidents when the health of the local population is involved.

Gloucestershire Health Authority has learned some key lessons from this incident, including the need to develop good links with the community to ensure that voices are heard and local questions are answered. It also understands the need to provide fast, up to date information about health risks in relation to incidents and to explain when information is not available and why.

The Health Authority will ensure that health information is built into action plans and made available to a wider audience by publishing papers and developing teaching materials.

Recently, the Health Authority has been given a new formal responsibility to advise on applications for permits to operate certain activities under IPPC (Integrated Pollution Prevention and Control) legislation. This is a role which it is taking very seriously.

A year on, one member of staff continues to work exclusively on the incident and a new Emergency Services Co-ordinator will ensure that there is a co-ordinated NHS response to any future incident.

Future Regulation of the CSG Sandhurst Site

Environment Agency

A new suspension notice issued to CSG on 14 August 2001 continues to suspend all waste management activities at the site. For each activity, it identifies the steps that CSG have to take before that activity could recommence. This means that CSG may be able to recommence certain low risk activities once they have taken the required steps, for instance:

- Following approval of changes to their working plan, CSG could begin the occasional overnight parking of vehicles containing waste at the site. It is perfectly possible for CSG to park such lorries on the public highway or public lorry parks now.
- Subject to stringent observation of the conditions laid out in the new suspension notice the treatment of waste oil, oily waste and specific water based wastes. This is unlikely to happen before the end of November 2001.

The law intends suspension notices to be used only in an emergency situation. They should not be used to control day to day activities, so long term control measures are required.

The Agency has considered the future regulation of the site within the regulatory powers granted under the Environmental Protection Act 1990. An expert group

has reviewed the options available, with advice from the Agency's legal experts (internal and external), consultants and other organisations such as Gloucestershire Fire and Rescue and HSE.

By law, the Agency cannot revoke CSG's licence unless it is satisfied that environmental pollution, harm to human health or serious detriment cannot be avoided by modifying the licence conditions.

It is clear that additional precautions are required at the site to ensure the safety of wastes during times of flooding, and the prevention of fires and odour emissions. However, these issues have engineering or other solutions that the Agency can require CSG to put in place through modification of the licence. The Agency is therefore proposing to modify the licence issued to CSG in respect of the Upper Parting site.

The proposed modification will ensure that transfer activities and the operation of the main well do not recommence unless it can be shown that they will not give rise to pollution of the environment, harm to human health or serious detriment to the amenities of the locality. The proposed modification also incorporates the lessons learned from the review of the Agency's regulation of the facility as reported to the

Deputy Prime Minister in January 2001.

The Agency is consulting widely and has produced a consultation package that sets out its proposals for modifications to the waste management licence, the legal framework within which these changes can be made and the process being followed. Consultation began on 1 October and responses are requested by 2 November 2001. Consultation packs can be obtained by contacting the Agency's Customer Service Department 01684 85095. During November the Agency will publish responses to the consultation and their decision notice.

Integrated Pollution Prevention Control (IPPC) is a new regime that provides for improved controls over industrial processes. The Government is implementing the new regime in phases and under the present timetable they are not due to apply to waste treatment plants like CSG's until 2004/5. The Agency's Chief Executive has recently announced that she would be pressing the Government to bring forward the timetable for the application of IPPC.

Health and Safety

CSG has written to the COMAH competent authority (the Environment Agency and HSE jointly) informing it of a significant change to operations at the Sandhurst site. This change will result in the quantity of chemical stored at the site being below the threshold of the COMAH regulations. The COMAH regulations will therefore no longer apply to the site.

Future regulation of the site by HSE will concentrate on ensuring compliance with the Health and Safety at Work Act 1974 and associated regulations such as the Management of Health and Safety at Work Regulations 1999. These are wide ranging and include the requirement that CSG assess the risks from their work activities and have suitable and sufficient arrangements to control these risks.

HSE has reviewed the key health and safety issues that CSG will need to address at the site. The priority issues

have been formalised by the service of Notices, the content of which were amended following the company's notification that it would no longer come under COMAH regulations. They require the company to:

- Introduce suitable and sufficient arrangements for the safe handling and storage of dangerous substances.
- Review and introduce suitable procedures to be followed in the event of serious and imminent danger
- Take appropriate action to ensure the health of workers who might inadvertently be exposed to any radioactive substances.

CSG have taken appropriate action to comply with the Notice relating to procedures for dealing with radioactive substances.

The requirements of the remaining Notices complement the issues raised by the Environment Agency in their Notice of Suspension and the Proposed Modification to the Waste Management Licence, so the time period for the completion of the HSE Notices has been adjusted to bring all issues within the same timescale.

Planning permission

The existing planning permission for the Upper Parting Works does not include detailed conditions relating to the day to day operations of the site. To a large degree, the extent to which the County Council will be able to regulate the company's operations in the future will depend on the outcome of the appeals submitted by CSG against the Enforcement Notices.

If the appeals are dismissed by the Secretary of State, the County Council will seek to ensure that the use does not extend beyond the treatment of waste oils and oily wastes. If the Secretary of State upholds the appeals and grants planning permission for unauthorised change of use, conditions relating to the operation of the site may be included. These will be monitored and enforced by the County Council using its enforcement powers.

Finally . . .

The public organisations recognise that local residents continue to have concerns about the site. By working closely with local people all the agencies hope to be in a position to provide timely information on developments relating to the site and respond quickly to concerns that may arise. If you would like to discuss your concerns with someone on the Community Recovery Group please contact us using the numbers below.

Contact Details

Environment Agency, Paul Quinn, 01684 850951

Gloucestershire City Council, Derek Perry, 01452 396303

Gloucestershire County Council, Chris Philips (MICG) 01452 425014, Andrew Sierakowski (Planning) 01452 425687

Gloucestershire Health Authority, Dr Jean Tyler, 01452 300222

Sandhurst and Area Action Group, Mike Moorhead, 01452 730479 day/730792 eve.

Sandhurst Parish Council, Andrew Warren, 01452 730231

Tewkesbury Borough Council, Paul Hern, 01684 295010

United Benefice 27, Reverend John O'Brien, 01452 731483