Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report CAR_NRW0040483

Permit being assessed: BP3090ST. For: Potters Yard, held by James Edward Potter At: Severn Road, Welshpool, Powys, SY21 7AZ. **Type of assessment carried out:** Audit, Reason: Routine. On 13/09/2022 between 11:10 and 14:30. Parts of permit assessed: Permitted Activities, Management, FPMP **NRW Lead Officer:** Liz Park, accompanied by Malcolm Dines, Jamie Blythin. **Report sent to**: Kevin Pryce, TCM on 20/10/2022.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B4 - Infrastructure - Containment of stored materials	C3 Minor	2.1.1
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor	3.5.1
C2 - General Management - Management system and operating procedures	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
3	8.1

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
B4	Provide sealed drainage for the storage of the hazardous waste chemicals.	Already completed
D2	Store all waste in accordance with your written FPMP and put in procedures to ensure future compliance. Update FPMP- See body of CAR for details.	18/11/2022
C2	Review and update the Environment Management system	18/11/2022
G4	Submit Waste return for Q2 Apr-Jun 2022	18/11/2022

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.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

Liz Park (Senior Officer - Waste Regulation), Malcolm Dines (Officer - Waste Regulation) from the Waste and Enforcement Team - Mid Wales and Jamie Blythin (Senior Officer - Industry & Waste Regulation) from the Industry Regulation Team - North-East, arrived at Potters Yard to undertake and announced Audit on compliance with the Fire Prevention and Mitigation Plans (FPMP), relevant sections of the management system, and management of waste wood (inputs and outputs).

James Potter was unable to be present at the Audit and sent his apologies. Kevin Pryce (TCM, North Area Manager) and Richard Carter (Business Manager) were present.

A meeting was held to discuss the following prior to going onto site to look at the storage of waste in accordance with the Fire Prevention Plan and management of waste wood.

FPMP Version Control
The site currently operates using the following FPMPs

Transfer Station - Fire Prevention and Mitigation Plan - v7
Household Waste Recycling Centre - Fire Prevention and Mitigation Plan - v4

If was noted that in v7 for the transfer station that there was an error with the version control section. This has been amended by Richard Carter. It is also noted that the page numbering has slipped. Please resolve and send a copy of the amended version to Liz Park.

Water Supply
The lack of water supply from the nearby hydrant was discussed. During a recent fire, the Mid & West Wales Fire and Rescue service used the River Severn as a water source. Richard considered that the hydrant should have a 'statutory' supply that was sufficient but that is not the case. The Fire Guidance requires operators to have sufficient water supplies available to the site to enable firefighting to take place and to manage a worse case scenario incident, and that you have permission and necessary evidence of your solution. Natural Resources Wales are aware of the difficulties obtaining the necessary information from water companies regarding the supply from hydrants. However, it has been proven at

this site that the water supply from the hydrant is insufficient and an alternative must be provided.

Liz, Jamie and Malcolm were shown a document produced by Mid & West Wales Fire and Rescue Service detailing where and how they plan to obtain water in the event of a fire. This needs to be incorporated into the FPMP. See action below.

Firewater containment and disposal

Kevin explained that they had been looking into systems for the containment of firewater on site. The site did have sandbags available, as detailed in their FPMP but these have all rotted and been discarded. If was agreed that they would get some more as a short-term measure. See action below.

Jamie confirmed that firewater could not be accepted at Bryn Posteg landfill. The site needs to consider alternatives and have these written into the FPMP. It agreed that the reference in 11.1 Best Practice to the WISH guidance would be removed and more specific details added. See action below.

Waste wood

The waste wood is visually sorted using a grab into two types based on the quality of wood, and that which is obviously treated i.e. painted wood, and wood that isn't. The better quality, visually untreated wood is shredded on site using a hired shredder before being removed for volume reduction purposes which reduces the cost of transport significantly.

Waste wood sorting

Kevin and Richard said that the site was not shredding the poor quality wood due to the process generating excessive amounts of dust which was not wanted due to neighbours, staff and cost of dust suppression.

The stockpile of waste wood shredded prior to export to Bodens, Manchester contained an unacceptable amount of litter such as plastic. This indicates either a failure to adequately sort the material initially or that the supply of wood is not adequately segregated. There was no process in place to remove the contamination prior to the waste wood being shredded and no real acceptance that the contamination wasn't acceptable.

There was a further pile of shredded wood. NRW were informed that this was "non-waste" wood chip/shred brought in by Sundorne Products (Llanidloes) Ltd, a company operated as part of the Potters Group, from Bodens, Manchester for use in the nearby Environmental Permitting Regulations (England and Wales) 2016 Part B SWIPs (Permit References (M) EP 60 (A) & (M) EP 61 (A)) issued by Powys County Council.

It is unclear how this material was designated as "non-waste". It contained non-virgin shredded wood such as particle board and a noticeable amount of plastic and so gave the appearance of being a chipped version of the material exported from Potters Yard.

There is currently no Quality Protocol for Waste wood. It is unclear as to how this wood meets 'End of Waste' status.

Therefore, NRW consider this wood to be waste wood that must be accepted, stored, managed and removed in accordance with the permit until provided with paperwork showing how this material has been designated as "non-waste" and that NRW accept that this is "non-waste". Please ensure that this material is recorded on your waste returns under waste acceptance and wastes removed until further notice. It must also be included in the FPMP and any associated management system documents.

Potters Yard is permitted to accept 19 12 07 (waste wood from mechanical treatment other than that mentioned in 19 12 06).

The SWIP permits only allow the burning of 19 12 07 from source-segregated visibly clean single waste wood streams, such as pallets where no treatments have been applied, post-segregation of mixed waste wood streams from civic amenity sites or skip hire operators is not suitable and must not be burned. Therefore 19 12 07 produced at Potters Yard, cannot be used. Neither can 19 12 07 produced by Boden's Manchester unless it meets the specified criteria.

Gypsum/ plasterboard
This waste stream was being stored in a 40 cubic yard skip with an improvised rood to stop rainwater entering the skip.

Storage of waste in accordance with FPMP - Transfer Station - v7
Waste was found not to be stored in accordance with the FPMP. Please see below for detail.

Environment Management System (EMS)

A review of the relevant sections of the EMS was undertaken. At the time of the Audit NRW were provided with an updated copy of SOP-04 dated 1/11/2019.

Standard Operating Procedure (SOP) 03 - Waste storage and handling

This is the overview document for waste acceptance and storage at the site and refers to SOP 04 for the treatment of waste wood. The section on mobile dust suppression needs to be reviewed and updated.

There is some confusion as to whether or not the waste wood is being stored in a bay as mentioned in the SOP or in a pile as mentioned in the FPMP. If the waste wood (or other waste) is stored in a bay, then the bays or walls should offer fire resistance period of a least 120 minutes. None of the bay walls met this specification. Therefore, the SOP should be updated to reflect that the bay is used for storage management and not for fire prevention. And that the storage is in a pile.

Standard Operating Procedure (SOP) 04 – Treatment of wood waste.

The treatment of wood waste is currently included with the process for green waste and does not reflect what is happening on site. There is no mention of the sorting and treatment process that the wood is subjected to. The EMS needs to be updated to accurately reflect the wood waste activities at the site including the storage of wood chip for submission to the SWIP.

Waste Returns

There are a couple of errors on your waste returns.

Operator Name - should be J E Potter

Return Activity - The site is a A9 the highest complexity, not an A11 or A13

Q2 Apr- Jun 2022 is missing. Please see below.

The coding of waste wood was discussed.

Shredded waste wood is expected to be 19 12 07 as it has definitely been subjected to mechanical treatment. However, none is showing on the waste return for waste removed.

Once SOP-04 has been updated to show how waste wood is managed on the site, please provide what you consider to be the correct waste codes for all waste wood streams received, and all waste wood streams removed.

Pallets
A separate area was provided for the storage of waste pallets. There are various systems for identifying the treatment the pallets have received depending upon where they have originated. It is advised that you familiarise yourselves with these systems.

Note - The storage of waste in the Household Waste Site was not assessed on this occasion as previously planned.

The following non-compliances were identified:

B4 - Containment of Stored materials - Permit condition 2.1.1 - CCS Cat 3

Hazardous chemicals are currently stored in two separate places. A new covered storage area has been built on ground near to are when the old porta cabin was. This area has been provided with concrete but not with sealed drainage. All hazardous and non-hazardous waste within the transfer station (Table S.1.1 A2) must be stored and treated on impermeable surface with sealed drainage.

It is understood that there are plans to fully concrete this area of the site which would connect this area to the sealed drainage system. Until such time as this is completed, this storage area must be provided with sealed drainage. The site plan within the Fire Prevention and Mitigation Plan also needs updating to show the storage of hazardous chemicals in this area.

Action: Provide sealed drainage for the new hazardous chemical area – This action has been completed

D2 - Accident, emergency and incident planning Permit Condition 3.5.1 - CCS Cat 3

Permit condition 3.5.1 states that the operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.

The site activities are not compliant with what is written in the current Transfer Station - FPMP v7.

The Waste Storage Area 2 - Main Transfer Facility Yard - Storage Bays (which is effectively two piles separated by the entrance/ exit road) has the maximum Pile Dimensions (l*w*h): 15*5*3.

The depth of the scrap metal area exceeded the width of 5m and was approximately 10m. The depth of the trade waste area also exceeded the width of 5 m and was approximately 13m.

Kevin is considering ways in which they could mark the transfer station to ensure that the pile dimensions are complied with.

The pile along the railway line side of the site consisted of green waste, residual waste, trade waste, hard plastic, carpet and wood including pallets. There should have been a fire break between Waste Storage Area 3 - Main Transfer Yard - Wood Shredding and Storage and Waste Storage Area 2 - Main Transfer Facility Yard - Storage Bays. with all the wood stored in Area 3.

Skips that have previously formed a fire breaks were unable to do so as they contained hard plastic.

Kevin said that the wood and plastic would be swapped by the 21 September 2022, and that the waste hard plastic was due to be removed.

Due to the new hazardous chemical storage area,you will need to update the plan for the site in the Transfer Station FPMP.

You must have sufficient water supply available to your site to manage a worst-case scenario and have this written down in the FPMP

You must have the equipment, in this case sand bags, as detailed in the Transfer Station FPMP v7, available on site. Any new methods to manage firewater must be detailed in the FPMPs

You should set out in the FPMP how you will dispose of fire water.

Action: Reduce the depth of the piles to that written in the Transfer Station - FPMP v7 and put in place procedures to ensure that all piles remain within the specified limits – 4 November 2022

Action: Update site plan to show location of new hazardous chemical store and drain mats (as the porta cabin has now been removed), and fire break between Areas 2 and 3 – 18 November 2022

Action: Update section 10 Water supplies in the Transfer Station - FPMP v7 - 18 November 2022.

Action: Update section 11 Managing fire water in the Transfer Station - FPMP v7 - 18 November 2022.

Action: Obtain new filled sandbags – This action has been completed

Action: Move hard plastic and wood skips around - This action has been completed

G4 - Monitoring and Reporting - Permit Condition 4.2.2 - CCS Cat 4
The waste return for Q2 Apr-May 2022 has not been submitted.

Action: Submit missing waste return - 18 November 2022

C2 - Management System and Operating procedures - Permit condition 1.1.1 - Action Only

The Environment Management System, particularly SOP - 3 and SOP - 4 require updating to reflect the current activities on site.

Action: Update all relevant sections of the Management system – 18 November 2022

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.