

Compliance Assessment Report CAR_NRW0038694

Permit being assessed: BP3090ST.

For: Potters Yard, held by James Edward Potter

At: Severn Road, Welshpool, Powys, SY21 7AZ.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2106912).

On 17/08/2021 between 10:00 and 12:00.

Parts of permit assessed: Permitted Activities, General Management, Fire

NRW Lead Officer: Liz Park.

Report sent to: Deborah Hall, Compliance Manager on 22/09/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor	3.5.1

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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
D2	Update FPMP regarding the management of fire water	07/10/2021

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

This compliance visit was undertaken following a fire on the site on Friday 13 August 2021. Liz Park met with Deborah Hall (Environment, Health and Safety and Compliance Manager) and Richard Carter (Business Development Manager). At the time of the visit

the weather was warm and dry.

Prior to going onto site, Liz met with Deborah and Richard to discuss the fire and to review the CCTV footage. Deborah provided Liz with a copy of the Fire Investigation Report.

The fire was in the 'bulky waste' bay. This bay contains mixed wastes from various sources. This bay is in what is called the Western Stack in the Fire Prevention and Mitigation Plan.

At the time of the incident that bay contained significantly more waste than under normal operating conditions due to driver shortages caused by holidays (it is acknowledged that in the current climate there is a driver shortage), and Granville Landfill was closed for the acceptance of waste due to high winds. Though the amount stored was not considered to be in excess of the maximum amount listed in the FPMP.

The start of the fire could clearly be seen on the CCTV footage. A small wisp of smoke could be seen emanating from the top of the waste, there was a gust of wind and the fire ignited. It was not caused by an ignition source landing on top of the waste. The site considers that the likely cause is a lithium ion battery. Liz agrees that this or similar is the source of the fire and therefore accidental.

Due to the lack of water pressure in the nearby fire hydrant (information was not available from Hafren Dyfrdwy), the Mid and West Wales Fire and Rescue Service abstracted water from the River Severn. The site surface water drains were bunded and booms were deployed to contain the fire water. Due to the use of high pressure pumps, a nearby available water source and the intensity of the fire, considerable more water was used than planned for in the Fire Prevention and Mitigation Plan (FPMP). The fire water was removed from site to prevent surface water pollution.

D2 - Accident, Incident and Emergency Planning - Permit Condition 3.5.1 - CCS Cat 3

The FPMP version 6 states on page 37 that "Any firewater will be removed by pumping to foul sewer or transporting using a Potters Tanker vehicle to a licensed facility".

The fire water was taken to Bryn Posteg landfill, Permit Number EPR/BU7766IC, operated by Sundorne Products (Llanidloes) Ltd, a company in the Potters Group (Trading name), and stored in the leachate balancing lagoon. Bryn Posteg landfill is not permitted to accept this waste.

Therefore you have not operated in accordance with your written FPMP and have breached permit condition 3.5.1.

Please see below for comments on managing fire water.

Notification to NRW

Notification of the fire was reported to NRW (WIRS2106913) following calling 999. It is advised, that should an event occur that requires notification to NRW occur in the future, that the permit number and name of operator is included. In addition it would be useful to know more details about the incident for example the amount of waste that is or has the potential to be on fire. Deborah Hall suggested the production of a crib sheet with the relevant details to be kept by the phone. This would be beneficial and should also be

included in the FPMP.

Permit condition 4.3.1 required NRW to be informed without delay of:

- a) any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution;
- (b) the breach of a limit specified in the permit; or
- (c) any significant adverse environmental effects.

The fire was notified to NRW in accordance with the above by phoning the Incident Hotline.

Permit condition 4.3.2 requires that any information provided under condition 4.3.1 shall be confirmed by sending the information listed in schedule 5 to this permit within the time period specified in that schedule.

A Part A was not submitted within 24 hours. However, it is accepted that the information required by Part B was submitted in the form of the Fire Investigation Report supplied to Liz Park on Tuesday 17 August.

Please ensure that any future requirement for a Part A is submitted within 24 hours as required.

Fire containment - Enclosing Stacks using Bays and Walls

The bunker walls were not designed to act as fire walls, however they managed to contain the fire within the bay with the exception of two small fires in the black bag waste bay and the paper and cardboard bay caused by aerial embers. It is acknowledged by the site that they were lucky in that the wind was from the prevailing wind direction as the bulky waste bunker is only enclosed on two sides, with one side being open towards the wood waste. Consideration should be given to enclosing all bays on three sides, or having a fire wall between the bulky waste and the wood waste. Please refer to Section 11 of the Fire Prevention and Mitigation Plan Guidance. There should be a minimum of 1 metre freeboard between the waste and the bunker height. This was not in place at the time of the fire. The waste should be wholly contained within the bunker and waste should not spill out the front of the bay as this could allow a fire to bridge across.

Fire Waster Supply

Section 10 of the Fire Prevention and Mitigation Plan must be updated regarding the availability of water as it is understood that the fire hydrant was not able to supply sufficient water for the MWWFRS. It is accepted that the River Severn can be considered within the plan as the water supply due to its close proximity and accessibility.

Fire Water containment

The Fire Prevention and Mitigation Plan accounted for 500 cubic metres of firewater being contained on site. It is understood that significantly more fire water was produced.

Further consideration should be given to managing fire water, and a significantly larger

volume than previously expected, to prevent pollution of the environment.

For example, due to the waste wood piles exceeding the required stack size (please see below), the largest stack would have been 800 cubic metres.

Fire water that is tankered from the site must be taken to a suitably permitted facility. Please note that it is considered highly unlikely that Hafren Dyfrdwy would agree in principle a discharge to the Welshpool Sewage Treatment Works due to the size of the works and the proximity to the site.

Vehicles/ Machinery

The grab and loading shovel were used extensively in managing the waste fire and were doused with water by the fire and rescue service. You may wish to consider using a type of fire resistant hydraulic fluid as a number of machines have been lost in waste fires due to a loss of hydraulics.

Waste wood stacks

A visual assessment, and measurement of the separation distance between the wood stacks indicated that the waste wood was not being stored in accordance with the FPMP and Guidance. This would be a breach of permit condition 3.5.1 which has already been scored.

This was confirmed by Deborah Hall in her email dated 7 September 2021. She also confirmed that work was being undertaken to bring the stack sizes back into compliance, and that this would be completed by the end of the week.

As part of your Waste stack management protocol, procedures must be put in place within the management system to ensure that the waste wood stack size and minimum separation distances remain within the stacks sizes in the guidance at all times. As the stack sizes and position will vary depending upon business need, it is recommended that this is checked on a daily basis.



Review of the Fire

It is understood that James Potter, Debbie Potter, Deborah Hall, Kevin Pryce and Richard Carter will be meeting to discuss the fire. Liz Park has requested that following this meeting, that she is informed of the outcome.

The Fire Prevention and Mitigation Plan will require updating particularly with respect to water supply and managing fire water.

Please note, 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 your permit. Your FPMP should be kept under constant review to ensure measures remain effective. You must 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 and Mitigation Plan of the guidance.

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.