Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0026541

This form will report compliance with your permit as determined by an NRW officer					
Site	Potters Yard	Permit Ref	BP3090ST		
Operator/Permit holder	James Edward Potter				
Regime	Waste Operations				
Date of assessment	21/07/2016	Time in	12:06	Out	14:00
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted activities and fire risk				
Lead officer's name	Park, Liz				
Accompanied by	Steve Evans				
Recipient's name/position	Debbie Potter/ Kieren McCabe/ Operator/ General Manager	Date issued	17/11/2016		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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**

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	**0**	**Total compliance score** (see section 5 for scoring scheme)	0

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

The purpose of this visit was to undertake a site inspection accompanied by Steve Evans, Station Liaison Officer, Mid and West Wales Fire and Rescue Service to access fire risk. Potters Yard has been assessed by Natural Resources Wales as having an increased fire risk. This is based on the activities on site and the proximity to local receptors. As such the site has a Fire Risk Action Plan. An action from the fire risk action plan was to undertake a joint visit with the Fire and Rescue Service.

At the time of the inspection the weather was warm and dry.

Liz Park and Steve Evans met with Debbie Potter and Greg Burgess (Health and Safety Manager). Kieran McCabe (General Manager) was not available. The purpose of the visit was explained. A walkover of the site was undertaken with reference to the standards in the NRW document - Fire Prevention and Mitigation Guidance - Waste. This guidance applies to all new waste permits and there is a phased implementation for existing permits.

Site Plan

The current site plan does not include all the information required in a fire prevention and mitigation plan. The site plan needs to include details such as any areas where hazardous materials are stored on site (e.g. oxyacetylene gas cylinder, piles of combustible materials, oil tanks), access points and hydrants and water supplies. Please see the guidance document for full details.

Wood piles

The piles of processed and unprocessed wood were assessed against the standard in the guidance. It was considered that the piles were at the limit of the maximum pile sizes and minimum separation distances and may have exceeded them in some instances. Steps to ensure that the wood piles meet the standards should be undertaken.

Piles of combustible materials including wood

Please ensure that you read the guidance of the storage of piles of combustible materials.

Managing Fire Water - Site Drainage

The main drain to foul sewer is located in the north of the site. At the time of the inspection drainage covers were not available. This was discussed with Debbie. Debbie agreed to source a drainage cover. It is noted that this drain is not of standard dimensions. Drainage covers should be provided for the whole site in case of a pollution emergency including the containment of fire water. The site plan needs to include the direction of flow of the drains. The CIRIA document 'Containment systems for the prevention of pollution (C736) may be helpful.

Management System

The standards in the guidance document need to be included in the management system. This was discussed with Debbie Potter. It was agreed that 3 months would be a suitable time scale to implement the changes. This will be reviewed at the next site inspection. It would be beneficial if a copy of the appropriate documents could be forwarded to Liz Park

Emergency contact

The phone number for the out of hours Security contact needs amending in document ref: AMP.

Permitted activities

Food waste

Please ensure that food waste is moved into the food waste skip as soon as it is delivered.

Training

Please ensure that all staff are familiar with the updates to the management system for fire risk.

TCM attendance

Following the movement of the office to Henfaes Lane, please can you provide details in your management system as to how the

TCM will be able to direct activities on site and meet the minimum attendance requirements. For this site we would expect a TCM to be on site 40% of the time as detailed in 'How to comply with your environmental permit'. (OPRA scores are - Complexity C, Location D, Emissions C). Please provide a copy of the relevant section of the management system by 30 November 2016.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0026541**

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Operator/Permit holder	James Edward Potter	Date	21/07/2016

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.

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			

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