

Compliance Assessment Report

Report ID:
CAR_NRW0032697

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	28/12/2017	Time in	11:10	Out	12:00	
Assessment type	Site Inspection					
Parts of the permit assessed	1.1 General Management					
Lead officer's name	Park, Liz					
Accompanied by	Starks, Madeleine					
Recipient's name/position	Debbie Potter/ TCM	Date issued	16/01/2018			

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
C4 - General Management - Storage, handling labelling and Segregation	C3	2.4.8 Hazardous waste storage and treatment

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
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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

Environment Officers Liz Park and Madeleine Starks attended site on 28/12/2017 to conduct a site inspection, focusing on waste storage and management. We arrived on site at 11:10 and met with Kevin Pryce, Site Manager and Debbie Potter, Technically Competent Manager. The weather conditions were cold, dry and sunny.

While on site we were pleased to observe the ongoing developments to the site's infrastructure, including the heightening of the bay walls using movable "Lego bricks", seen in Image 1 below. The bay walls can now be altered depending on the quantities received of each waste stream. The whole of the site also now benefits from an impermeable concrete surface with sealed drainage, which has addressed our previous concerns of waste having been stored inappropriately. Consequently, the overall condition of this area of the site was neat, tidy and well organised.



Image 1 – Newly installed concrete bays for waste stream separation.

Permit Condition 2.4.8 – C4 General Management – CCS Cat 3

Acceptance of Un-Depolluted End of Life Vehicles resulting in mixing hazardous waste with non-hazardous

scrap metal

Unfortunately, there is an ongoing issue regarding the acceptance of un-depolluted End of Life Vehicles (ELV's) onto site. This issue had already been highlighted within our previous inspection and compliance assessment report (CAR) form dated 08/07/2015. It was observed that shock absorbers were still intact on visible vehicles, as shown in Image 2 below. These ELV's have not been fully depolluted and are classified as Hazardous Waste (EWC 16 01 04). These ELV's are being mixed in with the general scrap metal within a bay.

Debbie Potter reported that the only ELVs being received were from Welsh Border Motor Spares (EPR BP3395CT) and that they were not being assigned as Hazardous Waste.

Management procedures must be put in place to prevent this reoccurring. Staff need to undertake waste acceptance checks on End-of-Life vehicles. Potter's Yard are permitted to accept un-depolluted ELV's, however they cannot be mixed in with general scrap metal. Un-depolluted ELV's must be stored separately and in accordance with permit condition 2.1.1 (Schedule 1, table S1.1, A3) if they choose to accept these vehicles. During our previous investigation of this matter it was deemed not to be cost effective to remove the waste as hazardous to EMR. Therefore, the Hazardous ELV's should be returned to the Welsh Border Motor Spares site to be fully depolluted. It is understood after speaking to Kevin Pryce on 11/01/2018 that this is being undertaken. If, upon inspection, any future ELVs are found with the shock absorbers intact (that have been described as depolluted) then they should be returned to the consignor.

The mixing of hazardous waste with non-hazardous waste is also a breach of Directly Applicable Legislation, namely the Hazardous Waste Regulations (2005). It must be noted that, as this is an ongoing issue, if Potter's Yard continue to be found non-compliant with this requirement in future inspections, we may consider further enforcement action in accordance with our enforcement and prosecution policy.



Image 2 – Example of non-de-polluted vehicle found on site, with shock absorbers still intact.

General Household Waste

A significant amount of general household waste was being stored within the transfer station. Debbie Potter informed Liz Park that they are working to limit the storage time to 72 hours as stated in SOP-03. No odour was noted at the time of the inspection.

We thank-you for your time accompanying us on site and for submitting the waste returns as requested in our previous CAR.

EPR Compliance Assessment Report

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Operator/Permit holder	James Edward Potter	Date	28/12/2017

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			
C4	C3	Update management plan to prevent re-occurrence. Return hazardous ELV	30/01/2018

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.