

Compliance Assessment Report CAR_NRW0041678

Permit being assessed: HP3938RN.

For: Fenestration Recycling Company Limited, held by Fenestration Recycling Company Limited

At: Neath Abbey Wharf, Skewen, Neath, SA10 6BL.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 22/03/2023 between 10:05 and 10:35.

Parts of permit assessed: Notice Compliance and general site inspection

NRW Lead Officer: Sally Wakeford, accompanied by David Ellar.

Report sent to: Steve Hemmings, Director & TCM on 17/04/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.2.1
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	3.4.1

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

Total number of non-compliances recorded	Total non-compliance score
3	12

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
A1	Remove waste from outside the boundary of the permit and clear any waste from the Tennant Canal.	01/05/2023
C2	Improve activities on site to ensure compliance with the written management system. and Ensure the site is secure by repairing the security fencing as per the EMS.	31/05/2023
C4	Remove waste destined for landfill and ensure compliance with FPMP specifically the site and block plans.	31/05/2023

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

Fenestration CAR form.

An announced inspection was undertaken on 22 March 2023 by NRW Officers Sally Wakeford and David Ellar, accompanied on site by Steve Hemmings.

Section 59 Notice Compliance

The inspection was conducted to assess compliance with a Section 59 Notice to remove various wastes on site. The Notice expired on 16/12/2022, however due to an incident occurring on site, the inspection was delayed.

The Section 59 Notice was in place over a number of years to remove waste from the site, the first two parts of the notice were complied with and the site removed the rubber pile, and also the HAMOS waste. The final stage was to remove the mixed waste. This part of the notice has not been complied with. A number of loads have been removed, with paperwork provided.

NRW will now consider enforcement action regarding the non-compliance with the notice.



Site Inspection:

During the site inspection, and the reason for the notice non-compliance, is that the site is storing waste not in compliance with permit conditions and FPMP requirements. See photographs below. The following breaches have been noted:

Written Management System:

C2 General Management – Management system and operating procedures – Permit Condition 1.1.1 – CAT 3 non-compliance.

The written management system and use of has not prevented non-compliance with the

environmental permit EPR/HP3938RN. This breach has been scored as a Category 3 breach of permit condition 1.1.1.

Permit condition 1.1.1 states: The operator shall manage and operate the activities in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints.

ACTION: Improve activities on site to ensure compliance with the written management system. Agree timescale to improve activities by 31 May 2023.

Waste Storage on Site:

C4 – General Management – Storage, handling, labelling and segregation – Permit Condition 3.4.1 –CAT 3 Non-compliance.

Waste storage on site was not being carried out in line with FRCL Fire Prevention and Mitigation Plan (FPMP) and, in particular, the Site Plan and Block Plan. Although fire breaks have been installed these are not adequate to ensure compliance with the FPMP. This has been scored as a Category 3 breach of permit condition 3.4.1.

Permit condition 3.4.1 states: the operators shall manage and operate the activities in accordance with a written site prevention plan using the current, relevant fire prevention plan guidance.

ACTION: Remove waste destined for landfill and ensure compliance with FPMP specifically the site and block plans. Agree a time scale with NRW by 31 May 2023.



**Security:****C2 General Management – Management system and operating procedures – Permit Condition 1.1.1 – CAT 3 non-compliance.**

During the inspection it was noted that part of the fence at the front part of the site was damaged and could allow unauthorised access to the site. This has been scored as an addition to the Category 3 breach of permit condition 1.1.1.

Your Environment Management System states:

6.5.1 The whole permitted site is within an enclosed site bounded by a combination of 2.4m high steel palisade and strained chain-link security fencing topped with barbed wire. Any breaks in the fencing are repaired on the same day to ensure security.

And

6.6 The... fence/bund... are inspected twice daily and the outcome of those inspections are recorded on the daily inspection checklist as shown in EMS Form FR1 and if necessary, as a CAR. The CAR will identify the root cause of the problem and allocate a person and timeframe to ensure that the corrective action is carried out. Any defect encountered during inspection will be repaired as soon as is reasonably practicable within the working day as a temporary measure and permanent repairs will be completed within 7 working days.

ACTION: Ensure the site is secure by repairing the security fencing as per the EMS.

**Incident Report:****A1 – Specified by permit – Permit condition 2.2.1 – Category 3 non-compliance**

On 30 March 2023 NRW officers attended a reported incident at the Tennant Canal (Incident WIRS 2302171), where they had received reports of film on the canal. Officers witnessed waste material from Fenestration cascading over the site boundary and into the Tennant Canal. Waste material appeared to be granulated plastic. Material was witnessed floating on the surface of the canal.

On 03 April 2023, you were contacted by NRW Officer Cathy Lloyd to inform you of the incident, and you agreed to look into the issue immediately and clean up the site boundary.

This has been scored as a Category 3 breach of permit condition 2.2.1 as waste material from your site had escaped the site boundary.

Permit condition 2.2.1 states: The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 7 to this permit.

ACTION: Remove waste from outside the boundary of the permit and clear any waste from the Tennant Canal. Action by 01/05/2023. Please confirm, with photographs, when this has been completed.

Thank you for taking the time to accompany us around the site.

END

Any compliance criteria not highlighted in the above summary should be considered as not assessed.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012.

You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.

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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.