

Compliance Assessment Report CAR_NRW0042057

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 29/06/2023 between 10:00 and 11:00.

Parts of permit assessed: Waste Storage

NRW Lead Officer: Sally Wakeford, accompanied by Elaine Gunstone.

Report sent to: Steve Hemmings, Director on 07/07/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
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
D2 - Incident Management - Accidents, emergency and incident planning	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
C2	Submit an Improvement Plan to NRW	30/09/2023
C4	Submit an Improvement Plan to NRW by 30 September 2023.	30/09/2023

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

On 29 June 2023 a site inspection was undertaken at Fenestration Recycling Limited EPR/HP3938RN by NRW Officers Sally Wakeford and Elaine Gunstone. Officers were accompanied on site by Steve Hemmings of Fenestration.

The inspection was a follow up from the previous Section 59 Notice Compliance notice visit on 22 March 2023 on Compliance Report CAR_NRW0041678.

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 the HAMOS waste. The final stage was to remove the mixed waste. This part of the notice has not been fully complied with.

We discussed the non-compliance with the Section 59 Notice and the resulting enforcement action.

NRW will now take appropriate enforcement action as discussed regarding the non-compliance with the notice.

There is approximately 600 tonnes of mixed waste remaining on site. We discussed the barriers to the removal of the waste, mainly financial and the market falling flat. This typically happens every 5 or so years.

Since the Notice expired in December 2022 a further approximately 90 tonnes of plastic have been removed from the mixed waste pile and processed through the plant. We were informed this will continue and will reduce the amount of mixed waste in preparation for its removal.

At present the site, although improved through partial compliance with the Notice you continue to store waste outside of the block plan in the Fire Prevention and Mitigation Plan.

The following non-compliances have been recorded against the permit conditions:

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: Submit an Improvement Plan to NRW by 30 September 2023.

Following submission regular inspections will be undertaken to ensure progression is made against the improvement plan.

The improvement plan should cover what steps you will take to come back into compliance with your permit and site plans. For example, it should contain:

- steps on how you will clear the historic waste,
- how you will manage stockpiles to reduce fire risk in the meantime,
- have a clear aim for what you want the site to look like.
- provide realistic timescales for each step of your plan.

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 reach 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: Submit an Improvement Plan to NRW by 30 September 2023.

Following submission regular inspections will be undertaken to ensure progression is made against the improvement plan.

The improvement plan should cover what steps you will take to come back into compliance with your permit and site plans. For example, it should contain:

- steps on how you will clear the historic waste,
- how you will manage stockpiles to reduce fire risk in the meantime,
- have a clear aim for what you want the site to look like.
- provide realistic timescales for each step of your plan.

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

During the previous inspection it was noted that part of the fence was damaged, this was scored as a category 3 breach of permit condition 1.1.1. Although improvements have been made to prevent the waste escaping site using blocks to block the hole, it is a work in progress to retrieve more blocks to make this wall higher.

This has been marked as an ongoing breach.

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



Reported Incident of granulated plastic in the canal:

Following the report of the granulated plastic being witnessed in the canal and reported to you on 03 April 2023, it can be confirmed that Fenestration have removed the waste from the canal and the stack which had collapsed had been pulled back onto site. The boundary of the site with the canal was walked to ensure no further collapses of waste had occurred.

You should be mindful when moving waste around the site, especially the stockpiles to the rear of the site, that there is the potential for waste to leave site and enter the watercourse.

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.

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.