

Compliance Assessment Report CAR_NRW0044460

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: Site Inspection,

Reason: Incident Response (Incident number 2408200).

On: 24/05/2024 between 14:00 and 14:35.

Parts of permit assessed: See Below.

NRW Lead Officer: Michael Edwards, accompanied by Elaine Gunstone.

Report sent to: Steve Hemmings, Director, on 07/06/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	C2 Significant (Suspended)	1.1.1 a
W2D - Waste - Operations - The site	C2 Significant	2.1.1
W3B - Waste - Emissions and monitoring - Emissions of substances not controlled by emission limits	C2 Significant	3.1.1

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

Total non-compliances recorded	Total non-compliance score
3	62

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
W1A	Ensure that waste operations are undertaken in a manner described in the submitted EMS.	28/06/2024
W2D	Ensure that all wastes are stored within the permitted boundary as shown in schedule 7 of the permit.	28/06/2024

Criteria	Action needed	Complete by
W3B	Review on site working practices and implement necessary steps to stop wastes and emissions causing pollution event.	28/06/2024

Compliance 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

Unannounced site inspection undertaken by Michael Edwards and Elaine Gunstone of Natural Resources Wales in relation to incident report concerning waste plastics entering the canal adjacent to the site.

On arrival, officers walked up the footpath along the canal and identified an area that had a large section fine plastics on the surface of the water.



Officers continued upstream and identified a section on the far bank where waste plastics were stored on the bank side entering the canal from the permitted operation.



Continuing along the pathway, officers identified no waste plastics on the canal past the discharge point.

Officers returned to the site and spoke with site employee Lee and showed him the affected areas of the canal and the location where the waste plastics were entering the canal.

General Management (W1A)

As discussed during the inspection, the site has failed to store waste in a manner described in the submitted Environmental Management Plan and accompanying site plan which identifies and minimises the risk of pollutions as required under condition 1.1.1 (a).

This has been scored as a **Category 2** breach of permit **condition 1.1.1 (a)**. This score has been suspended as the breach was identified during the previous inspection undertaken on 29th April 2024 with an action to submit an improvement plan to NRW by 7th June 2024.

For the breach identified during this inspection the following action is required;

Action - the site must ensure that waste operations are undertaken in a manner that identifies and minimises the risk of a pollution as described in the submitted environmental management system.

Waste Operations (W2D)

Under the conditions of the permit, the site is required to ensure that wastes are stored within the permitted boundary as per **condition 2.2** and **schedule 7**. The storage of waste plastics on the bank of the canal is outside of the permitted area identified in schedule 7 of the permit.

This has been scored as a **Category 2** breach of **Condition 2.2**.

Action - as discussed on site, you must ensure that all wastes stored on site are stored within the permitted area.

Emissions and Monitoring (W3B)

Under condition 3.1.1, emissions of substances not controlled by emission limits shall not cause pollution.

Wastes were not stored in a manner detailed in management plans, with waste plastics being stored outside of the permitted area on the bank of the canal resulting in the pollution event.

This has been scored as a **Category 2** breach of **condition 3.1.1**.

Action - Ensure that waste storage practices are in line with the permit and submitted management plans as required.

Due to the breaches identified above, Natural Resources Wales must consider its enforcement action and you will be written to separately regarding this.

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 1 st 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.

If your assessment result in Section 1 is suspended, what does this mean?

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 Waste compliance criteria (used in section 1 and 2):

1. Management

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

2. Operations

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

3. Emission and Monitoring

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

4. Information

- W4A – Records
- W4B – Reporting
- W4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.