

Compliance Assessment Report

Report ID:
CAR_NRW0034143

This form will report compliance with your permit as determined by an NRW officer

Site	Fenestration Recycling Company Limited	Permit Ref	HP3938RN			
Operator/Permit holder	Fenestration Recycling Company Limited					
Regime	Waste Operations					
Date of assessment	24/10/2018	Time in	11:00	Out	12:00	
Assessment type	Audit					
Parts of the permit assessed	Permitted area and Operations					
Lead officer's name	Davies, Gareth					
Accompanied by						
Recipient's name/position	Stephen Hemmings/ Director	Date issued	01/11/2018			

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
A1 - Specified by permit	A	
C2 - General Management - Management system and operating procedures	C3	1.1.1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3 - Suspended	3.4.1
D1 - Incident Management - Site security	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.2.2

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	3	Total compliance score (see section 5 for scoring scheme)	8
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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

Present

Stephen Hemmings (SH) – Fenestration Recycling Company Limited (FRCL)

Julian Dunn (JD) - Fenestration Recycling Company Limited

Gareth Davies (GD) – Natural Resources Wales (NRW)

The purpose of the site inspection was to assess compliance with the environmental permit held by FRCL, reference EPR/HP3938RN and to view progress against the Regulation 36 Notice served on 6 April 2018. A site visit was previously undertaken on 12 September 2018 with Kate Thomas from NRW's Permitting Centre. The comments within this Compliance Assessment Report reflect the findings during both visits. The photographs taken are from the visit undertaken on 24 October 2018.

A site tour was conducted around the site. It was evident that good progress had been made in processing and removing existing stockpiles of material on site. The photographs in this report compared to those in the CAR Form NRW0033066 show a reduction in the volume of material on site.

In the north western area of the site, legacy material has been reduced and is continuing to be reduced at a daily rate. This material is being passed through a trommel prior to going to the hanner mill. This ensures the material can be processed in the secondary / HAMOS process. This can be seen in the photographs below.



The removal of this material has also reduced the volume of material that was previously stored against the security fence. This reduces the risk that this material presents from an arson incident occurring on site. Necessary repairs should be undertaken when required. The improvement in this area can be seen in the photograph below.



All material that is currently imported on to site is processed within a short period. The only imported material on site was a load that was accepted during the site visit.

During previous inspections a large volume of rubber was being stored on site in the south eastern area of the site. This had built up from processing the accepted waste material. Most of this rubber material has now been removed from site and an approximate single load remains on site. This was due for removal shortly. This material can be seen in the photograph below.



At the bottom end of the site an area was previously being used for storage of material known as dust. This area has now been cleared as the dust continues to progressively be removed from site. This cleared area is now being used for the storage of product awaiting export. This can be seen in the photograph below. JD confirmed that a bund would be installed to maintain the sealed drainage system in this area.



SH confirmed that FRCL currently have an outlet for the dust material. Further to this SH confirmed that he is looking to source other outlets. GD reiterated that FRCL need to ensure that any waste operator / company has an appropriate exemption and/or permit in place to take the waste from the site. Photographs of the dust currently

stored on site can be seen in the photograph below.



SH confirmed that scrap metal currently stored on site is due to be removed from site with the continued aim to reduce the volume of waste currently on site.

While significant steps had been made in reducing the volume of waste on site, it was noted during the site visit and as can be seen in the photographs above that waste storage on site was not being carried out in line with FRCL Fire Prevention and Mitigation Plan and in particular Site Plan and Block Plan. Not operating in accordance with the FPMP and Site (BLOCK) Plan 10937-000-C and Storage Plan 10937-000-E is a breach of condition 3.4.1.

This has been scored a CCS3 under C4 - General Management - Storage, handling labelling and Segregation. This score has been suspended as a Regulation 36 Notice is currently in place.

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Waste Returns

The Regulation 36 Notice required all outstanding waste returns to be submitted by 31 July 2018. JD confirmed that this has had not been completed and will be prioritised for completion. Waste returns are currently outstanding for Quarter 4 of 2015, all quarters in 2016 and all quarters in 2017 and 2018. As waste returns have not been submitted, this is a breach condition 4.2.2. This has been scored a CCS3 under G4 - Monitoring and records, maintenance and reporting - Reporting & notification.

The spreadsheet has been supplied previously, but is also available to download via the following link.

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/new-walesoperator-waste-return-and-deadlines-for-returns/?lang=en>

ACTION: Please provide a date for agreement with NRW by which all outstanding waste returns shall be submitted.

The above non-compliances are also identified as a breach of condition 1.1.1. Condition 1.1.1 states that the operator shall manage and operate the activities: (a) 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. The written management system and use of has not prevented non-compliance with the environmental permit reference EPR/HP3938RN.

This has been scored a CCS3 under C2 - General Management - Management system & operating procedures.

Any criteria not included in the summary, shall be deemed as not assessed.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources 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 in Wales.

END

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EPR Compliance Assessment Report

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Site	Fenestration Recycling Company Limited	Permit Ref	HP3938RN
Operator/Permit holder	Fenestration Recycling Company Limited	Date	24/10/2018

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
C2	C3	Regulation 36 Notice in place for waste storage requirements. Timescale to be agreed for Waste Returns submission under separate compliance criteria.	31/01/2019
G4	C3	Please provide a date for agreement by which the outstanding waste returns shall be submitted.	22/11/2018
C4	C3	Regulation 36 Notice currently in place.	31/01/2019

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.