

Compliance Assessment Report

Report ID:
CAR_NRW0034710

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	05/02/2019	Time in	13:30	Out	14:30	
Assessment type	Audit					
Parts of the permit assessed	Permitted area and Permitted Activities					
Lead officer's name	Davies, Gareth					
Accompanied by						
Recipient's name/position	Stephen Hemmings/ Director	Date issued	15/03/2019			

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
C1 - General Management - Staff competency/training	C3	1.1.4
C2 - General Management - Management system and operating procedures	C3	1.1.1
C4 - General Management - Storage, handling labelling and Segregation	C3	3.4.1
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	4	Total compliance score (see section 5 for scoring scheme)	16
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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)
Scott Phillips (SP) - 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 assess compliance against the Regulation 36 Notice served on XX January 2019. The Regulation 36 Notice required a number of steps to be taken, namely storing waste in site in accordance with Site (BLOCK) Plan 10937-000-C and Storage Plan 10937-000-E and the submission of all out-standing waste returns.

SH confirmed that Julian Dunn the previous site manager has left FRCL and SP has taken over as site manager.

A site tour was conducted around the site. It was evident that progress continues to be made in processing and removing existing stockpiles of material on site. The speed of processing continues to be influenced by weather conditions.

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 hammer mill.

A new security fence has been installed to the rear of the site adjacent to the railway line. This was installed by Network Rail.

All material that is currently imported continues to be processed within a short period.

The space that has been created by processing of material can be seen in the photographs below.



The photograph below shows the remaining legacy material that requires processing.



There remains a large stockpile of rejected material that has come from the HAMOS process in the north eastern area of the site. SH confirmed that this is not being added to due to changes made to the HAMOS process. SH confirmed that they were looking at re-processing this material, using tighter settings on the HAMOS process to recover more plastic from the material. This material is currently difficult to process due to the moisture content within it. SH and SP confirmed that they were looking at installing a small drying process to enable the material to be processed quicker. This material can be seen in the photographs below.



Within the south eastern area of the site, the area that had previous been cleared remains clear. A further area had also been cleared adjacent to the building. This area was currently being used for the storage final product. SH confirmed that no more than a full lorry load of final product is ever stored on site. Once a full load has been produced then it is removed from site. The area that has been cleared can be seen in the photographs below.



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.

Discussions were had around the movement and installation of fire breaks on site. The space that has been created can be used

to create fire breaks within the material currently being stored across each area of the site. This will ensure that certain parts of the site become compliant with Site (BLOCK) Plan 10937-000-C and Storage Plan 10937-000-E within a shorter timescale.

SH agreed to provide timescales for two requirements.

1. The timescale for the installation of fire breaks within certain areas of the site in order to comply with Site (BLOCK) Plan 10937-000-C and Storage Plan 10937-000-E.
2. The timescale for the whole site to become compliant with Site (BLOCK) Plan 10937-000-C and Storage Plan 10937-000-E. This does not require all material to have been removed off site, but the waste to be stored in line with the above plans.

Initial fire breaks have now been installed and evidence provided via e-mail. While these fire breaks do not comply with the requirements set out in the Block Plan and Storage Plan they are a step in right direction. Efforts should be made to increase the size of these fire breaks during the processing of the relevant material.

Waste Returns

The Regulation 36 Notice requires all outstanding waste returns to be submitted by 31 July 2019. SH confirmed that this remains outstanding. SH apologised, as he was of the understanding that this was being completed by the former site manager.

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: All outstanding waste returns shall be submitted by 31 July 2019.

Technical Competence

SP provided a copy of his WAMITAB certification. Following a review of the qualifications, it does not meet the requirements set out by WAMITAB. The required units are set out in WAMITABs document available via the link below.

https://wamitab.org.uk/wp-content/uploads/2018/05/HB_V7_MROC1-L.pdf

As there is no suitably qualified person on site FRCL are in breach of condition 1.1.4 of their permit. This has been scored a CCS3 under This has been raised in a number of previous CAR Forms.

Please provide an update on how FRCL intend to comply with condition 1.1.4 of your permit.

Written Management System

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.

Regulation 36 Notice

Not operating the site in accordance with Site (BLOCK) Plan 10937-000-C and Storage Plan 10937-000-E and not submitting all outstanding waste returns means that NRW are of the view that FRCL have not complied with the Regulation 36 Notice dated 6 April 2018.

NRW is currently considering its response in relation to non-compliance with the Regulation 36 Notice.

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

EPR Compliance Assessment Report

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Operator/Permit holder	Fenestration Recycling Company Limited	Date	05/02/2019

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
G4	C3	NRW is currently considering its response for this breach of permit. FRCL shall continue to work towards bringing operations back in to compliance with the permit at the earliest opportunity. The due date has been included to complete this action entry.	31/03/2019
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C1	C3	NRW is currently considering its response for this breach of permit. FRCL shall continue to work towards bringing operations back in to compliance with the permit at the earliest opportunity. The due date has been included to complete this action entry.	31/03/2019
C2	C3	NRW is currently considering its response for this breach of permit. FRCL shall continue to work towards bringing operations back in to compliance with the permit at the earliest opportunity. The due date has been included to complete this action entry.	31/03/2019

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.