

Compliance Assessment Report

Report ID:
CAR_NRW0036266

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	30/01/2020	Time in	11:00	Out	11:45	
Assessment type	Audit					
Parts of the permit assessed	permitted activities and area					
Lead officer's name	Wakeford, Sally					
Accompanied by	Willington, Jonathan					
Recipient's name/position	Stephen Hemmings/ Director	Date issued	03/02/2020			

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	
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

On 30 January 2020 NRW officers Sally Wakeford and Jonathan Willington conducted an unannounced site inspection of Fenestration Recycling Company Limited (FRCL) and were accompanied on site by Stephen Hemmings.

Notice requirements

The purpose of the site inspection was to assess compliance with the environmental permit held by FRCL, reference EPR/HP3938RN for this compliance year and to assess progress towards the Regulation 36 Notice currently in force on the site served on 01 May 2019. The Regulation 36 Notice requires a number of steps to be taken, namely storing waste on site in accordance with Site (BLOCK) Plan 10937-000-C and Storage Plan 10937-000-E, complying with the requirements of an approved competence scheme, and the submission of all out-standing waste returns.

Waste Returns

To date we have on file the waste returns for Quarter 4 in 2015 and all quarters for 2016. All quarters for 2017 and 2018 are still outstanding, the date for submitting these on the notice was 5 May 2019.

G4 – Monitoring and Records, Maintenance and Reporting – Reporting and notification to Natural Resources Wales – Permit Condition 4.2.2 – CAT 3 breach

You have been scored a category 3 breach under the above condition because waste returns continue to be outstanding for all quarters in 2017 and 2018. Also, waste returns have been not been submitted all quarters for 2019.

Permit condition 4.2.2 states: *Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form to the site and the waste accepted and removed from it during the previous quarter.*

ACTION: all outstanding waste returns shall be submitted in line with notice requirements.

All waste returns outstanding for 2017 and 2018 are included in the notice and should have been submitted by 05 May 2019. Unless these are submitted this will constitute a non-compliance with the notice.

Stephen noted that he has all the information required for the returns, but has not yet completed them.

Technical Competence

C1 – General Management – Staff Competency/training – Permit Condition 1.1.4 – CAT 3 breach.

You have been scored a category 3 breach of the above condition because as yet we have received no confirmation by FRCL of a suitably qualified person on site.

Permit condition 1.1.4 states: *The operator shall comply with the requirements of an approved competence scheme.*

This is currently a step under the Regulation 36 notice with a deadline set as 05 May 2020.

ACTION: Please send confirmation of the registration with WAMITAB and courses to be completed when sign up is complete.

It was discussed the Stephen Hemming would undertake the necessary qualification and will contact WAMITAB.

Written Management System

C2 General Management – Management system and operating procedures – Permit Condition 1.1.1 – CAT 3 breach

You have been given a category 3 breach of the above condition because the written management system and use of has not prevented non-compliance with the environmental permit EPR/HP3938RN.

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.

Waste on site

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

You have been given a category 3 breach of the above condition because whilst steps have been made to reduce the volume of the unprocessed material in the northern part of the site, it was noted during the visit, as can be seen on the photographs above, that 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.

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.*

The photographs below show the remaining legacy material that requires processing. Whilst significant steps have been made in reducing the stockpile of this material, there remains a large amount of legacy waste on site.



A large stockpile of rejected material that has come from the HAMOS process remains in the north eastern area of the site.



In the southern part of the site the rejected material from the HAMOS process appears the same as that in the last inspection.



There was also a stockpile of rubber as shown in the photographs below. It was stated you now have an offtake contract for this rubber.



ACTION: Ensure compliance with the Fire Prevention and Mitigation Plan by the date listed within the Regulation 36 notice on the site.

Submission of information as required under Notice

The Regulation 36 Notice served on FRCL on 01 May 2019 contains a number of steps which must be taken.

For condition number 3.4.1 the steps included the submission of information on the 31 July 2019, 31 October 2019 and 31 January 2020.

Evidence of the following should have been submitted:

- Tonnage of the rubber material stored in the location highlighted red on Plan GS3 that has been processed and removed from site.
- Tonnage of material (known as HAMOS reject/dust) store in the locations highlighted green on Plan GD3 that has been processed and removed from site.
- Tonnage of legacy plastic material store in the location highlighted blue on Plan GD3 that has been processed and removed from site.

As of the 03 January 2020 no submissions have been provided. Stephen explained on site that he had missed this step of the notice but had no figures to provide as none of the waste had left site.

Other observations/Discussions:

Stephen described the pressures the business had been under the last couple of years regarding contracts and cash flow. With new contracts in place, and required upgrades to the equipment arranged, this will enable to business to make steps into compliance with the Regulation 36 Notice.

The HAMOS reject will be reprocessed, the screener is now inside with the correct mesh. The wet weather has been hindering the processing.

Using Guidance on the Classification of waste (WM3) please provide the EWC code under which the final HAMOS waste will be removed from site. This will allow discussion on where this waste can be moved.

Link to the guidance can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719394/Waste-classification-technical-guidance-WM3.pdf

It was discussed that we would remain in contact, and Stephen would provide regular updates as to the situation at the site. Thank you for your email of the 01 February 2020. It would be ideal to have an update every 2 weeks if possible.

If you have any other queries or concerns, please don't hesitate to contact Sally Wakeford.

Thank you for taking the time to discuss matters and provide information during the inspection.

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.

EPR Compliance Assessment Report

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Operator/Permit holder	Fenestration Recycling Company Limited	Date	30/01/2020

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.

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	all outstanding waste returns for 2017, 2018 and 2019 shall be submitted in line with the notice requirements	05/05/2020
C4	C3	Continue to work towards bringing operations into compliance with the permit and FPMP in accordance with the Regulation 36 notice	05/05/2020
C2	C3	Continue to work towards bringing operations back into compliance with the permit at the earliest opportunity	05/05/2020
C1	C3	Comply with the requirements of an approved competence scheme as per Regulation 36 Notice	05/05/2020

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.