

Compliance Assessment Report CAR_NRW0037598

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 04/02/2021 between 12:00 and 13:00.

Parts of permit assessed: Waste Storage

NRW Lead Officer: Sally Wakeford, accompanied by James Kinkead.

Report sent to: Steve Hemmings, Director on 18/02/2021.

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)	
C1 - General Management - Staff competency/training	C3 Minor	1.1.4
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

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

Total number of non-compliances recorded	Total non-compliance score
3	12

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
C1	Complete the WAMITAB qualification and provide certificate once complete	30/09/2021
C2	Improve activities on site to ensure compliance with the written management	30/06/2022
C4	Remove first two piles of waste destined for landfill by end 2021, the remaining pile by end June 2022. Remove rejected HAMOS waste "dirty shred" by end September 2021. Store waste fines in line with the Site (BLOCK) Plan, Drg No. 10937-000-C and Storage Plan, Drg No. 10937-000-E that form part of the Fire Prevention and Mitigation Plan	30/06/2022

Criteria	Action needed	Complete by
	(MPP5) by the end September 2021. Remove rubber waste piles from site by end March 2021.	

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 04 February 2021 a site inspection was undertaken by Sally Wakeford and James Kinkead. We were accompanied on site by Steve Hemmings of Fenestration Recycling Company Ltd.

Prior to entering the site officers walked the side of the site, as an incident had been reported that waste was entering the canal. At the time we could see no waste from the site entering the canal. Please ensure when moving waste around the site it does not leave the sites permitted area.

The purpose of the inspection was to assess compliance with the environmental permit held by FRCL, reference EPR/HP3938RN and to discuss the non-compliance with the Regulation 36 Notice which expired on 30 October 2020 along with ongoing enforcement action NRW must take. It was also important to ensure we understood the differences in the waste piles, and what treatment (if any) was required for the wastes to be removed.

Waste Returns:

To date we have now received up to Q4 2020. Thank you for providing these waste returns. Please ensure that these are now submitted quarterly.

TCM:

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 FRCL currently do not have a suitably qualified person on site.

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

Steve Hemmings is registered and undertaking the WAMITAB qualification with Brightwater. This should take a further 4-5 months to complete.

ACTION: Complete the WAMITAB qualification and provide certificate once complete.

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

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.*

ACTIONS: A number of actions for this breach are noted below under the different waste types.

Legacy waste destined for landfill

The photographs below show the remaining legacy material that requires removal. Marked in Blue on the attached plan GD3.

Whilst steps have been made in reducing the stockpile of this material, and it has been separated into 3 piles, there remains a large amount of legacy waste on site. This waste is destined for landfill. Steven Hemmings suggested 33 bulkers at 25 tonnes would be required to remove it, estimated from drone footage. This totals approximately 825 tonnes to remove.

It was discussed that the waste destined for landfill should be removed from the railway line end first to reduce fire risk, it is also noted that this first area close to the railway line is underneath lower powerlines than the rest of the site. We are currently consulting with the Mid and West Wales Fire Rescue Service to understand if this will assist in fire fighting and reduce fire risk as removal is undertaken. You will be informed of any advice provide by FRS regarding this.

Steven Hemmings suggested removing the first two piles (railway line and middle piles) would take until the end of 2021, due to financial constraints on the company.

ACTION: Remove first two piles of waste destined for landfill by end 2021, the remaining pile by end June 2022.





Rejected “dirty shred” stored on northern eastern area of site.

A large stockpile of rejected material that has come from the HAMOS process remains in the north eastern area of the site. Marked in Green on the plan GD3.

The processing of this waste is weather dependant, it contains a large amount of product which can be recovered. This waste also requires the input of new stock to be able to process it through the plant at the northern end of the site. Steven Hemmings stated that this waste could be processed and removed from site by the end of September 2021.

ACTION: Remove rejected HAMOS waste “dirty shred” by end September 2021.





Fines – southern end of site.

In the southern part of the site are fines from the HAMOS process, which need to be processed through the plant in the building at the southern end of the site. This operation is weather dependant. This material is marked on the block plan within FRCL's FPMP and noted as marked in green on plan GD3 attached.

At present this waste is not being stored in compliance with the block plan as there are no fire breaks.

This waste requires input of material to be able to process it through the new trommel which is being delivered in 4-6 weeks. This new trommel which the company are purchasing includes a drying function which will enable waste to be sorted more effectively.

It was discussed that this waste (once more space is created by the removal of the rubber) will be able to be stored in line with the block plan.

There is also a fine layer of dust over the front section on one of the piles, near the rubber, that needs to be removed to landfill.

ACTION: Store waste fines in line with the Site (BLOCK) Plan, Drg No. 10937-000-C and Storage Plan, Drg No. 10937-000-E that form part of the Fire Prevention and Mitigation Plan (MPP5) by the end September 2021.



Rubber:

The stockpile of rubber on site is marked in RED on plan GD3 is a high priority waste to remove from site. This poses a fire risk, and is situated next to and underneath the railway bridge which runs through the site. This rubber is not marked on this area of the Site (BLOCK) plan and storage plan.

You stated you will remove this rubber waste, and the rubber and dust piles stored alongside the building by the end of March 2021. It was estimated that there was 150 tonnes of rubber waste to be removed.

ACTION: Remove rubber waste piles from site by end March 2021.



Plan GD3:

Plan GD3

**Other observations/Discussion:**

Steve Hemmings described the pressures the business has been under the last few years, especially the reduction in productivity during the first lockdown during the COVID-19 pandemic. A period of very good weather was lost for working through the waste piles which are weather dependant, and during these winter months the weather hinders the processing.

During the site inspection it was discussed formalising these actions required to bring the site back into compliance using Enforcement Notices. A requirement of these notices will be to provide updates on the tonnages of these legacy wastes being removed from the site.

Site inspections will be conducted at each date noted within this CAR form for an action to be undertaken by to encourage removal in a staged and continuous manner.

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

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.

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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.