

	EPR Compliance Assessment Report	Report ID: 34202/0253829			
This form will report compliance with your permit as determined by an NRW officer					
Site	Fenestration Recycling Ltd		Permit Ref	34202	
Operator/ Permit holder	Fenestration Recycling Company Ltd				
Date	03/12/2015	Time in	10:00	Out	10:25
What parts of the permit were assessed	Waste Storage and Site Security				
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X Water Discharge
Recipient's name/position	Stephen Hemmings - Director				
Officer's name	Gareth M Davies, Jodie Medcraft		Date issued	08/12/2015	

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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			Condition(s) breached
a) Permitted activities	1. Specified by permit	C3	1.1.1 / Table 1.1 a)ii)
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	NA	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	*C3	1.2.1
	3. Materials acceptance	*C3	1.1.1 / Table 1.1 b)ii)
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	*C3	3.2.1
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	NA	
	2. Land & Groundwater	NA	
	3. Surface water	NA	
	4. Sewer	NA	
	5. Waste	NA	
f) Amenity	1. Odour	A	
	2. Noise	N	
	3. Dust/fibres/particulates	A	
	4. Pests, birds & scavengers	A	
	5. Deposits on road	A	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	NA	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	C4	7.2.2
h) Resource efficiency	1. Efficient use of raw materials	NA	
	2. Energy	NA	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),
A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

Number of breaches recorded	5	Total compliance score (see section 5 for scoring scheme)	4.1
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If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

Present

Julian Dunn (JD) - Site Manager, Fenestration Recycling Company Limited (FRCL)

Gareth Davies (GD) - Senior Environment Officer, South West Waste Regulation Team, Natural Resources Wales (NRW)

Jodie Medcraft (JM) - Environment Officer, South West Waste Regulation Team, Natural Resources Wales (NRW)

The purpose of the compliance visit was to gain an update following the site visit on 3 September 2015 and subsequent meetings held on 22 September 2015 and 19 October 2015 with the above and Stephen Hemming, Director of FRCL. Following the meetings on 22 September 2015 and 19 October 2015 it was agreed that the site security would be repaired and a permit variation application would be made by 30 November 2015.

JD confirmed that a permit variation application had not been made, in part due to financial pressures currently being experienced by FRCL. GD confirmed that it was now the intention of NRW to serve a Regulation 36 Enforcement Notice that would require FRCL to comply with the conditions with their permit, namely to carry out physical treatment only. Unless correspondence was received during week commencing 7 December 2015 then the Regulation 36 Enforcement Notice will require FRCL to comply with their permit by 29 February 2016. GD also confirmed that no arson reports have been received since 19 October 2015.

If FRCL were to submit a permit variation application by 29 February 2016 then NRW will review its position in relation to compliance with the Regulation 36 Enforcement Notice. The permit variation application should be submitted to include mechanical treatment of waste and further processing that is outside of the current permitted area. The previous pre-application advice remains the same. If a pre-application meeting is required then please do not hesitate to contact Gareth Davies on 03000 653226.

JD looked to clarify what the outcome of failing to comply with Regulation 36 Enforcement Notice would be for FRCL. GD confirmed that NRW could either issue a Warning Letter or seek a Formal Caution or Prosecution for failing to comply. NRW also had the option to require FRCL to cease the mechanical treatment of waste on site as this was not a permitted activity.

Waste Treatment

As highlighted above the environmental permit EPR/HB3938RN does not permit mechanical treatment of waste. Condition 1.1.1 and Table 1.1 a) i) only permits the treatment consisting only of physical sorting or separation of waste into different components, physical mixing or bulking of solid wastes of the same or different types, where there are no resulting changes in the chemical composition of the wastes or its different components. The hammer mill currently on site is considered mechanical treatment. This is a breach of condition 1.1.1 and Table 1.1 a)i) and has been scored a CCS 3 under A1 Permitted activities - specified by permit. This is the first time that this breach has been scored and has not been suspended.

Waste Storage

While on site it was evident that a large quantity of plastic had accumulated on site following the initial treatment process. This material is required to be taken off site. This can be seen in the photographs below.



JD confirmed that there was in excess of 100 tonnes of waste plastic on site. This is as a result of the plastic not being taken off site for a number of weeks. This is a breach of Condition 1.1.1, Table 1.1 b)ii) in that the maximum total quantity of waste stored on site is in excess of 100 tonnes. This has been scored a CCS3 under C3 General Management - Materials acceptance.

The storage of waste plastic in excess of 100 tonnes is also a breach of Condition 1.2.2 in that the requirements in the working plan have not been adhered to. This has been scored a CCS3 under C2 General Management - Management System & operating procedures.

The storage of all waste on site shall be reduced to under 100 tonnes by 29 February 2016. The scores under C3 and C2 have been suspended as they have previously been scored following the visit on 3 September 2015 and an agreed date for completion is in place of 29 February 2016.

Site Security

JD confirmed that as a result of no further plastic having been taken off site, the necessary repairs have not been completed to the security fence. This can be seen in the photograph below.



The continued storage of plastic adjacent to the damaged security fence poses an arson risk. The on-going condition of the site security does not meet the requirement of condition 3.2.1.

Subsequently it is a breach of condition 3.2.1 and has been scored a CCS3 under D1 Incident Management - Site Security. The score under D1 has been suspended as these have previously been scored following the visit on 3 September 2015 and an agreed date for completion is in place of 29 February 2016.

Waste Returns

KD confirmed that waste returns had not been submitted. The waste returns are a requirement under condition 7.2.2. Waste returns have not been received for the following Quarters.

Q4 2014, October - December

Q1 2015, January - March

Q2 2015, April - June

Q3 2015, July - September

This has been scored a CCS4 under G4 Monitoring and records, maintenance and reporting - Reporting & notification. KD confirmed that these would be submitted by the end of January 2016. This is the date that Quarter 4 of 2015 will need to be submitted by.

In an e-mail on 3 December 2015, JD confirmed that Stuart Watcham had been contacted to act as a consultant on behalf of Fenestration Recycling Company Limited for the permit variation application. GD has also spoken to Stuart Watcham to outline the requirements of the permit variation.

END

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Site	Fenestration Recycling Ltd	Permit 34202
Operator/ Permit	Fenestration Recycling Company Ltd	Date 03/12/2015

Section 3- Enforcement Response	Only one of the boxes below should be ticked
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.	
Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.	☐
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.	☒
We will now consider what enforcement action is appropriate and notify you, referencing this form.	☐

Section 4- Action(s)			
Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
A1	C3	Treatment operations shall be carried out in accordance with Condition 1.1.1 and Table 1.1 of the permit.	29/02/2016
C2	C3	The site shall be operated in accordance with the working plan	29/02/2016
C3	C3	Waste stored on site shall be reduced to less than 100 tonnes in accordance with Condition 1.1.1 and Table 1.1	29/02/2016
D1	C3	The security fence shall be repaired to meet the requirements of Condition 3.2.1.	29/02/2016
G4	C4	Outstanding waste returns highlighted in the Compliance Assessment Report shall be submitted by 31 January 2016	31/01/2016

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 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 which 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 fulfill 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 (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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information 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 twenty 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 the officer's line managers. 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.