

Compliance Assessment Report

Report ID:
CAR_NRW0031604

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	02/05/2017	Time in	10:00	Out	11:15	
Assessment type	Audit					
Parts of the permit assessed	Permitted area					
Lead officer's name	Davies, Gareth					
Accompanied by	Michael Edwards					
Recipient's name/position	Stephen Hemmings / Director	Date issued	11/05/2017			

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
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3	4.3.1
F2 - Amenity - Noise	A	

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)	12
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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

Julian Dunn (JD) - Fenestration Recycling Company Limited (FRCL)

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

Michael Edwards (ME) – Natural Resources Wales (NRW)

Barrie Davies (BD) - Mid & West Fire and Rescue Service (MWWFRS) (office meeting only)

The purpose of the inspection was to assess compliance with the environmental permit held by FRCL, reference EPR-HP3938RN. Further to this it was intended to assess compliance with the Regulation 36 Notice that was served on FRCL on 7 October 2016. The Regulation 36 Notice required the FRCL to store the waste in accordance with Storage Plan, Drg No. 10937-000-E and Site (BLOCK) Plan, Drg No. 10937-000-C that form part of the Fire Prevention and Mitigation Plan (MPP5).

Site Update

Prior to a walk around the site JD gave an update on progress. The historic waste pile that is on site has been passed through a low speed trommel. This has enabled FRCL to process the material through the hammer mill. 7 loads per day are currently being put through the hammer mill alongside waste that is accepted on a day to day basis. A screen has also been placed at the front end prior to going on the conveyor built ahead of the hammer mill.

It is estimated that there is 406 tonnes of historic waste that requires processing. FRCL anticipate that this will have been processed and removed within 88 working days. The weather needs to be dry in order to process the material due to the residual contaminants contained within the waste.

FRCL have sourced an outlet for HAMOS reject material also known as EKS. This is being sent to an exempt site in England with a U9 Exemption. FRCL should ensure that the exempt facility is complying with the terms of the exemption as part of their duty of care. It is anticipated that 2 loads of this material will be removed on a weekly basis and it is anticipated that this will be removed within 2 months. A photograph of the material being sent to the U9 site can be seen in the photograph below.



No noise reports have been received alleged to be coming from FRCL for a number of months. JC confirmed that the site is currently ceasing hammer mill operations at 1530 each day.

JD confirmed that at present FRCL still do not have an outlet for the rubber that is accumulating on site.

BD of MWWFRS reviewed FRCL's Fire Response Plan and confirmed that it was a very good example and had all of the necessary information within it. BD confirmed that MWWFRS has a tactical response plan in place for the site.

Following the update provided by JD, a site walk around was carried out on site.

Waste Storage

During the walk around it was evident that FRCL had not complied with the Regulation 36 Notice as waste stored on site was not being stored in accordance with the Fire Prevention and Mitigation Plan, in particular the drawing numbers 10937-000-C and 10937-000-E. The storage of material not in accordance with the Fire Prevention & Mitigation Plan and associated storage plans is a breach of condition 4.3.1. This has been scored a CCS3 under C4, General Management – Storage, handling, labelling and segregation.

The current storage is also a breach of condition 1.1.1 and has been scored a CCS3 under C2, General Management – Management Systems and operating procedures. This is because the wider written management system for the site has also not been complied with. Section 8.8.1 states that 'Waste will be stored in designated areas of the facility' and 'A storage plan of the facility is presented in Drawing 10937-000-E'. The current storage of material on site is not being carried out in accordance with storage plan 10937-000-E.

Photographs of the current storage of historic material can be seen below.



Attempts have been made to install fire breaks within the waste stock piles. As removal of material progresses, the full fire breaks should be installed. A further fire break, although containing material can be seen in the photograph below.



GD confirmed that a warning letter would be issued for failing to comply with the Regulation 36 Notice served on 7 October 2017. A further Regulation 36 Notice would be served with dates to be agreed during a site visit scheduled for 30 May 2017.

It was also recommended that FRCL source a number of outlets for any difficult waste streams in order to maintain resilience for waste outlets.

As mentioned previous FRCL do not at present have an outlet for the rubber material being

produced and stored on site. The rubber stored on site can be seen in the photograph below.



FRCL Fire Prevention & Mitigation Plan states that residual wastes will have a storage time of no greater than 6 months. Since the permit variation was issued on 28 July 2016 which permitted the storage of residual waste in the southern area of the site, this waste has been on site for in excess of 6 months. This is a further breach of condition 3.4.1 and 1.1.1 as highlighted above. Steps shall be taken find appropriate outlets for this material.

Technical Competence

JD confirmed that it is anticipated that his WAMITAB Qualification will be complete by June 2017. While JD continues to obtain the relevant WAMITAB Qualification, FRCL are not compliant with the requirements of an approved competence scheme. Subsequently this is a breach of condition 1.1.4 of FRCL's environmental permit EPR/HP3938RN. This has been scored a CCS score of 3 under C1 General Management – staff competency/training. This was last scored during the visit on 19 September 2016 and suspended for 6 months.

Waste Returns

A Compliance Assessment Report was sent by Michael Edwards on 24 April 2017. The Compliance Assessment Report confirms that our records show no waste returns had been received during 2016. Please submit waste returns for all outstanding quarters. This will be discussed further during the visit on 30 May 2017.

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012.

Any compliance criteria not highlighted in the above summary should be considered as not assessed.

END

EPR Compliance Assessment Report

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Site	Fenestration Recycling Company Limited	Permit Ref	HP3938RN
Operator/Permit holder	Fenestration Recycling Company Limited	Date	02/05/2017

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			
C1	C3	Julian Dunn continuing to work towards his WAMITAB Qualification	31/07/2017
C2	C3	Waste shall be stored in accordance with the Fire Prevention and Mitigation Plan. A date for compliance shall be agreed during the visit scheduled for 30 May 2017.	30/05/2017
C4	C3	Waste shall be stored in accordance with the Fire Prevention and Mitigation Plan. A date for compliance shall be agreed during the visit scheduled for 30 May 2017.	30/05/2017

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.