

Compliance Assessment Report

Report ID:
CAR_NRW0000075

This form will report compliance with your permit as determined by an NRW officer

Site	Fenestration Recycling Ltd	Permit Ref	HP3938RN			
Operator/Permit holder	Fenestration Recycling Company Ltd					
Regime	Waste Operations					
Date of assessment	15/03/2016	Time in	11:00	Out	12:30	
Assessment type	Audit					
Parts of the permit assessed	Permitted area					
Lead officer's name	Davies, Gareth					
Accompanied by	Medcraft, Jodie					
Recipient's name/position	Stephen Hemmings/ Director	Date issued	26/04/2016			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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	C3 - Suspended	1.1.1 and Table 1.1 a)i)
C1 - General Management - Staff competency/training	C3 - Suspended	1.4.1
C2 - General Management - Management system and operating procedures	C3	1.2.2
C3 - General Management - Materials acceptance	C3	1.1.1 and Table 1.1 B) ii)
D1 - Incident Management - Site security	C3 - Suspended	3.2.1
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
F5 - Amenity - Deposits on road	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

KEY: See Section 4 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **N** = Not Assessed, **X** = Action only

Number of breaches recorded	5	Total compliance score (see section 5 for scoring scheme)	8
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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)

Sam Hemmings (SaH) - Fenestration Recycling Company Limited (FRCL)

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

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

Jodie Medcraft (JM) - Natural Resources Wales (NRW)

The purpose of the compliance visit was to gain an update following the site visit on 3 December 2015.

Regulation 36 Enforcement Notice and Permit Variation Application

Following this compliance visit a Regulation 36 Enforcement Notice was served that required FRCL to comply with condition 1.1.1 and Table 1.1 by 29 February 2016. Following the serving of the Regulation 36 Enforcement Notice, FRCL have applied for a permit variation to include mechanical treatment, the secondary treatment process and for treating the waste using a trommel. The application was received by NRW on 23 March 2016. Following receipt of the application NRW considers that the Regulation 36 Enforcement Notice has been complied with and no enforcement action will follow.

SH confirmed that the new hammer mill was now working at the intended capacity and they were actively seeking material in order to feed the hammer mill. The noise monitoring appears to show that the noise reduction measures put in place have reduced the impact of the noise on receiving receptors. This information has been provided as part of the noise management plan in the permit application.

The hammer mill currently on site is considered mechanical treatment and is subsequently a breach of condition 1.1.1 and Table 1.1 a)i) **This has been scored a CCS 3 under A1 Permitted activities - specified by permit. This score has been suspended following the submission of a permit application.**

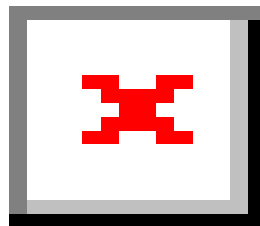
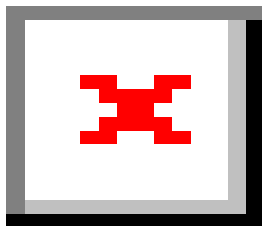
It should be noted that the current waste treatment activities being carried to material once it has passed through the hammer mill is a permitted activity. As stated above the permit variation application includes this as part of the permitted activity.

Technical Competence

JD confirmed that he is currently going through the WAMITAB Course in order to gain the relevant qualifications. The failure to have a qualified technically competent person on site is a breach of condition 1.4.1. **This has been scored a CCS 3 under C1 General Management - Staff competency/training. This score has been suspended as the operator is enrolled on the course.**

Waste Storage

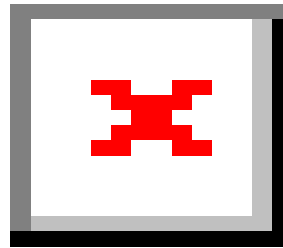
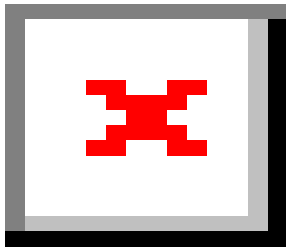
SH estimated that there was approximately 500 tonnes of waste material on site. This is mainly the material that has been through the hammer mill process once. This material can be seen in the photographs below. The photographs also includes material that is waiting to be processed.



The storage in excess of 100 tonnes at any one time is a breach of Condition 1.1.1, Table 1.1 b)ii) in that the maximum total quantity of waste stored on site shall not exceed 100 tonnes. **This has been scored a CCS3 under C3 General Management - Materials acceptance.**

SH explained that there were 2 main options for the onward treatment of this material. First it could all be sent to landfill or secondly they could further process it to remove any recoverable material (such as rubber, plastics and metal) using a trommel, thus reducing the amount of material sent to landfill. SH asked whether it would be possible to treat the material using a trommel to see if it is capable of treating the material. GD explained that at present the permit does not allow for the use of trommel, but due to the fact that an application had been made to include the use of a trommel and the intention is to reduce the amount of material going to landfill then a trommel could be used on site to see if it is capable of treating the waste material further. Please inform GD when it is intended to trommel the material on site.

It should also be noted that in the future should the variation be issued, all waste stored prior to and following the separate treatment processes will be counted as waste stored on site. During the site visit there were a number of different waste types being stored, see photographs below. SH confirmed that they are actively exploring different markets for these waste types. It was expected that markets for a number of these will be found in the near future.

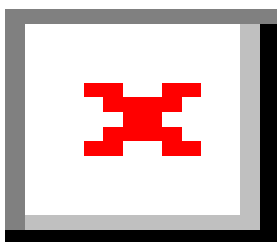


SH confirmed that FRCL will aim to reduce this to 100 tonnes as outlined in Table 1.1 of the permit within 4 months. The total waste stored on site shall be reduced to 100 tonnes by 29 July 2016. This timescale can be reviewed following the outcome of the trommel processing trial.

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

Site Security

As a result of the hammer mill processing more material, this has resulted in an increased amount of waste being stored on site. At present this is being stored close to the site entrance and the boundary fence. The storage in close proximity to the fence increases the risk of the material being subject to arson. The picture below shows that newly installed fence that has become damaged as a result of material being pushed against it.



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. **This 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 December 2015 and an agreed date for completion has been extended to the 29 July 2016.**

Waste Returns - GD confirmed that the waste returns had been submitted to NRW and were registered on the system and are up to date.

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.

END

EPR Compliance Assessment Report

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CAR_NRW0000075**

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Site	Fenestration Recycling Ltd	Permit Ref	HP3938RN
Operator/Permit holder	Fenestration Recycling Company Ltd	Date	15/03/2016

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			
A1	C3	A variation permit application has been submitted and will be determined.	29/07/2016
C3	C3	The total volume of waste stored on site shall be reduced to 100 tonnes at any one time.	29/07/2016
C2	C3	The total amount of waste on site shall be reduced to 100 tonnes at any one time.	29/07/2016
D1	C3	The security fence shall be repaired in order to maintain the security of the site.	29/07/2016
C1	C3	The operator shall continue to gain the relevant qualification. The due date shall be reviewed as the course continues.	29/07/2016

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 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 reports 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 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.