

Compliance Assessment Report

Report ID:
CAR_NRW0033066

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	14/02/2018	Time in	13:30	Out	14:30	
Assessment type	Audit					
Parts of the permit assessed	Permitted Operations					
Lead officer's name	Davies, Gareth					
Accompanied by	Willington, Jonathan					
Recipient's name/position	Stephen Hemmings/ Director	Date issued	20/03/2018			

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	C3	2.2.1
C1 - General Management - Staff competency/training	C3	1.4.1
C2 - General Management - Management system and operating procedures	C3	1.1.1 (a)
C4 - General Management - Storage, handling labelling and Segregation	C3	3.4.1

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

Present

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

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

Jonathan Willington (JW) - Natural Resources Wales

The purpose of the site visit was to assess compliance with the environmental permit held by FRCL, reference EPR/HP3938RN and to discuss timescales for a further Regulation 36 Notice.

During the site visit NRW's proposed response for the failure to comply with the Regulation 36 Notice served on 9 June 2017 was discussed.

Prior to a site tour, JD gave an update to the works on site. FRCL are working towards bringing the site back into compliance, in particular in accordance with Site (BLOCK) Plan 10937-000-C and Storage Plan 10937-000-E within 6 months. This is based on processing a certain amount of material per day and having secured outlets for the materials they have on site. Further to previous compliance visits, FRCL believe they have secured an outlet for the rubber material. The previous outlet was to Europe and this new outlet is within the UK.

GD confirmed that prior to serving a further Regulation 36 Notice that he would speak to Stephen Hemmings, Director of FRCL to discuss the timescale.

Please ensure that all sites that are accepting waste produced by FRCL have the appropriate permits in place.

A site walk around was undertaken to assess on-going compliance.

Waste Storage

A number of photographs were taken of the current waste storage arrangements on site. The photographs below show the waste currently being stored in the northern area of the site. It can be seen from one of the photograph below that efforts have been made to place a firebreak within material stored on site. The metal beam across the top has been set to the height the material is to be stored at in accordance with the Fire Prevention and Mitigation Plan. FRCL are continuing to process material from the legacy stockpile in order to reduce the volume on site in line with the Site (BLOCK) Plan 10937-000-C and Storage Plan 10937-000-E. However, the storage of waste in the northern area of the site is not being carried out in accordance with Site (BLOCK) Plan 10937-000-C and Storage Plan 10937-000-E.



The photographs below show waste currently being stored in the southern area of the site. As mentioned previously, FRCL believe they have secured an outlet for the rubber material that does not require export to Europe. It is hoped that the material will start moving off site soon. There are currently no firebreaks in the material currently being stored in the southern area of the site. The firebreaks are specified in Site (BLOCK) Plan 10937-000-C and Storage Plan 10937-000-E.





It was noted during the site visit and as can be seen in the photographs above that waste storage on site was not being carried out in line with FRCL Fire Prevention and Mitigation Plan and in particular Site Plan and Block Plan. Not operating in accordance with the FPMP and Site (BLOCK) Plan 10937-000-C and Storage Plan 10937-000-E is a breach of condition 3.4.1. This has been scored a CCS3 under C4 - General Management - Storage, handling labelling and Segregation.

ACTION: A date shall be agreed between FRCL and NRW for when the waste storage on site shall be carried out in accordance with the FPMP and Site (BLOCK) Plan 10937-000-C and Storage Plan 10937-000-E by 30 March 2018. This date will be included in a Regulation 36 Notice.

Permitted Area

During the site visit and highlighted in previous visits, waste plastics were being stored outside of the permitted boundary, see photograph below. Condition 2.2.1 states that activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 7 to this permit. As waste is being stored outside of the land shown edged green in schedule 7, this is a breach of condition 2.2.1. This has been scored a CCS3 under A1 - Permitted activities - specified by permit.

ACTION: Please provide a date for agreement with NRW, by which all waste currently being stored outside of the site boundary shall be brought back on to site, by 6 April 2018.



Waste Returns

A number of waste returns are outstanding. Waste returns are required to be submitted under condition 4.2.2 at the end of each quarter. Waste returns are currently outstanding for Quarter 4 of 2015, all quarters in 2016 and all quarters in 2017. As waste returns have not been submitted, this is a breach condition 4.2.2. This has been scored a CCS3 under G4 - Monitoring and records, maintenance and reporting - Reporting & notification.

The spreadsheet has been supplied previously, but is also available to download via the following link.

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/new-wales-operator-waste-return-and-deadlines-for-returns/?lang=en>

ACTION: Please ensure all outstanding waste returns are submitted by 30 April 2018. This requirement will be included in the Regulation 36 Notice.

Technical Competence

JD confirmed that he was continuing to work towards the appropriate WAMITAB qualification. Some documents required submission and further assessment to be completed by the assessor. Condition 1.4.1 requires the operator to comply with the requirements of an approved competence scheme. Despite efforts being made to obtain the relevant WAMITAB qualifications, FRCL at present are not complying with an approved competence scheme. This is a breach of condition 1.4.1 and has been scored a CCS3 under C1 - General Management - Staff competency/training.

ACTION: Provide an update on progress towards obtaining the relevant WAMITAB qualification to ensure FRCL are complying with an approved competence scheme by 29 June 2018.

The above non-compliances are also identified as a breach of condition 1.1.1. Condition 1.1.1 states that the operator shall manage and operate the activities: (a) 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. The written management system and use of has not prevented non-compliance with the environmental permit reference EPR/HP3938RN. This has been scored a CCS3 under C2 - General Management - Management system & operating procedures.

Any criteria not included in the summary, shall be deemed as not assessed.

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.

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 in Wales.

END

EPR Compliance Assessment Report

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Operator/Permit holder	Fenestration Recycling Company Limited	Date	14/02/2018

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			
C2	C3	A date shall be agreed between FRCL and NRW for when the non-compliances will be resolved by 30 March 2018.	30/03/2018
C1	C3	Provide an update on progress towards obtaining the relevant WAMITAB qualification to ensure FRCL are complying with an approved competence scheme by 29 June 2018.	29/06/2018
A1	C3	Please provide a date for agreement with NRW, by which all waste currently being stored outside of the site boundary shall be brought back on to site, by 6 April 2018.	06/04/2018
C4	C3	A date shall be agreed between FRCL and NRW for when the waste storage on site shall be carried out in accordance with the FPMP and Site (BLOCK) Plan 10937-000-C and Storage Plan 10937-000-E by 30 March 2018.	30/03/2018

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.