

Compliance Assessment Report

Report ID:
CAR_NRW0032676

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	05/12/2017	Time in	10:30	Out	11:45	
Assessment type	Audit					
Parts of the permit assessed	Permitted area					
Lead officer's name	Davies, Gareth					
Accompanied by						
Recipient's name/position	Stephen Hemmings/ Director	Date issued	05/01/2018			

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
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	3.4.1
F2 - Amenity - Noise	A	

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

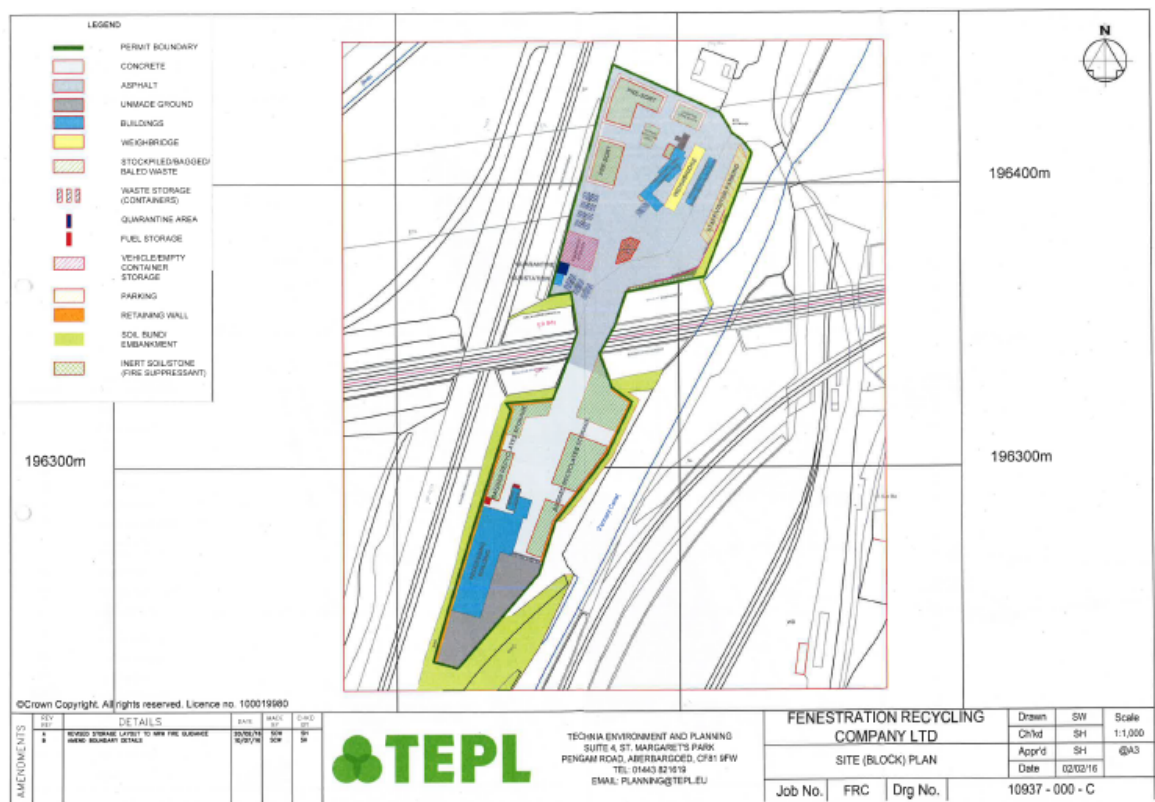
A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

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

Site (BLOCK) Plan, Drg No. 10937-000-C can be seen below



A site walk around was undertaken and a number of photographs taken of waste currently waste storage arrangements on site. The five photographs below show the current waste storage of material in the north western area of the site.





It can be seen from the photographs that there are no breaks and the waste isn't being stored in line with Storage Plan, Drg No. 10937-000-E and Site (BLOCK) Plan, Drg No. 10937-000-C. Waste is being stored up against the fence and can be seen to have tipped outside of the permitted area in the first picture. Waste is being stored along the whole length of the north western boundary.

The deposit of waste outside of the permitted boundary area is a breach of condition 2.2.1 in that it states 'the activities shall extend beyond the site, being the land shown edged in green on the site plan in Schedule 7. This has been scored a CCS3 under A1 Permitted activities.

Please provide a date to be agreed with NRW for when the waste outside of the permitted boundary will be returned to within the boundary by 31 January 2018. This was initially requested in Compliance Assessment Report CAR_NRW0032367.

The four photographs below show the waste storage arrangements in the north eastern area of the site.





There are 3 main types of material being stored in this area. Material that is awaiting export after being initially passed through the hammer mill process. This material is being stored in this location so that it can be easily loaded by machinery brought in that cannot pass over the weighbridge. The consistent outlet for this material remains in place and material continues to be removed. This can be seen in the first two photographs. The third photograph shows the metal storage bin that are being kept in this area. The fourth and fifth photograph show a stockpile of material that is currently being stockpiled. This material is the rejected material from the secondary process, also known as HAMOS reject.

It can be seen from the photographs above in relation to the waste stored in north eastern area of the site that material is not being stored in line with Storage Plan, Drg No. 10937-000-E and Site (BLOCK) Plan, Drg No. 10937-000-C. These drawings show that material will not be stored in these areas.

The four photographs below show the waste storage arrangements in the south eastern area of the site.





There were two main waste types being stored in this area. These were rubber material being stored in large sacks. This material has been on site for a significant period of time due to a lack of outlets being found. An outlet for this material has now been found in Europe. SH confirmed that FRCL have been looking to avoid sending this to landfill and as a result it is costing more to export it to Europe than it would be to landfill the material. SH confirmed that they would send through a copy of the Annex VII document and an associated contract. The second main waste type is material that has been rejected from the secondary process, also known as HAMOS reject. Storage Plan, Drg No. 10937-000-E shows that there are meant to be 2 fire breaks within this material. At the time of the inspection neither of these fire breaks were in place.

The photographs below show the waste storage arrangements in the south western area of the site.



This waste type is material that has been rejected from the secondary process, also known as HAMOS reject. Excessive material is being stored in this area than is stated within Storage Plan, Drg No. 10937-000-E. Storage Plan, Drg No. 10937-000-E also shows that a fire break should be in place. There were no firebreaks in place at the time of the inspection.

The photographs of the storage of material within the northern and southern areas of the site show that the FRCL have not complied with the Regulation 36 Notice that required storage to be carried out in accordance with Storage Plan, Drg No. 10937-000-E and Site (BLOCK) Plan, Drg No. 10937-000-C under condition 3.4.1. Subsequently at the time of the inspection FRCL were not compliant with condition 3.4.1 in that the site was not being managed in line with the written fire prevention plan. This breach 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.

As the Regulation 36 Notice has not been complied with, the compliance scores suspended in CAR Forms reference

CAR_NRW0032367 will be reactivated.

NRW will now review its enforcement response for non-compliance with the Regulation 36 Notice.

There was one fire break on site, visible in the photograph below, albeit that this was in order to maintain access to the sub-station. The fire break was not 6 metres in width, but approximately 2.3 metres as shown in the photograph below. The material in this area is not meant to be in this area as per Site Block Plan 10937-000-C and Storage Plan, Drg No. 10937-000-E.



Waste Returns - GD confirmed to SH that he would send through the most current version of the waste returns spreadsheet. A copy of the spreadsheet has been attached to the e-mail used to send this Compliance Assessment Report. Please provide an update on when it is expected the waste returns can be submitted.

Technical Competence - JD confirmed that he expected technical competence to be in place by the end of 2017.

Any non-compliance criteria not highlighted in the above summary shall 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 Resources Body for Wales (Establishment) Order 2012.

END

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0032676**

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Site	Fenestration Recycling Company Limited	Permit Ref	HP3938RN
Operator/Permit holder	Fenestration Recycling Company Limited	Date	05/12/2017

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			
C2	C3	Operations shall be carried out in accordance with the written management systems. A timescale for this will be discussed during a meeting due to be scheduled before the end of January 2018.	31/01/2018
C4	C3	Waste shall be stored in accordance written management system and Fire Prevention and Mitigation Plan. A timescale for this will be discussed during a meeting due to be scheduled before the end of January 2018.	31/01/2018
A1	C3	All waste shall be brought inside the permitted boundary. Please provide a date to be agreed with NRW for when the waste outside of the permitted area will be returned within the boundary by 31 January 2018.	31/01/2018

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.