

Compliance Assessment Report

Report ID:
CAR_NRW0026441

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	19/09/2016	Time in	10:00	Out	11:00	
Assessment type	Audit					
Parts of the permit assessed	Permitted Operations					
Lead officer's name	Davies, Gareth					
Accompanied by	Medcraft, Jodie					
Recipient's name/position	Stephen Hemmings/ Director	Date issued	07/10/2016			

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
C1 - General Management - Staff competency/training	C3	1.1.4
C2 - General Management - Management system and operating procedures	C3 - Suspended	1.1.1
C4 - General Management - Storage, handling labelling and Segregation	C3 - Suspended	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	3	Total compliance score (see section 5 for scoring scheme)	4
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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)

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

The purpose of the inspection was to discuss the timescales for compliance with the storage plans that form part of the Fire Prevention and Mitigation Plan, in particular the drawing numbers 10937-000-C and 10937-000-E. In subsequent correspondence received on 28 September 2016, Julian Dunn confirmed and provided the final version of the Fire Prevention and Mitigation Plan along with the updated drawings and associated reference numbers as referred to above.

Waste Storage

During the compliance visit, waste was not being stored in accordance with above plans. The appropriate fire breaks had not been placed within the stockpiles and waste was being stored outside of the designated areas.

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.

The above scores have and will be suspended for a period of 6 months from the 11 August 2016.

During the compliance visit on 11 August 2016, it was previously confirmed that NRW would be looking to serve a Regulation 36 Compliance Notice requiring FRCL to comply with their Fire Prevention and Mitigation Plan, specifically the above drawing numbers.

JD explained that he believed it would take approximately 12 months to remove and process the necessary material in order to comply with the Site (Block) Plan 10937-000-C and Storage Plan 10937-000-E.

During discussions GD confirm that a Regulation 36 Compliance Notice with a timescales of 6 months would be issued. FRCL should continue to keep NRW updated on progress with compliance with the

Regulation 36 Notice.

No pictures were taken of the waste storage during this compliance visit by NRW.

Technical Competence

JD confirmed that he was registered to complete the following course WAMITAB Level 4 Waste Management Operator Competence Certificate (Non Hazardous Waste Treatment) – 4MPTNH6. It is due to be completed during 2017. At present 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. Any future non-compliance with condition 1.1.4 will be suspended for a period of 6 months.

Noise Reports

JD confirmed that a motor had been replaced on the hammer mill and following discussions JD had had with a member of the public, the alleged "buzzing / vibration" noise had stopped. GD confirmed that he would contact reporters that had notified NRW to confirm if they had also noticed this type of noise had stopped. JD confirmed that it was possible to turn on and off the HAMOS process if it was necessary as part of an initial noise assessment when reports were received. GD confirmed that the process for this would be agreed prior to implementing.

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

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.

END

EPR Compliance Assessment Report

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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	Waste on site shall be stored in accordance with the Fire Prevention and Mitigation Plan, namely drawing numbers 10937-000-C and 10937-000-E.	10/04/2017
C4	C3	Waste on site shall be stored in accordance with the Fire Prevention and Mitigation Plan, namely drawing numbers 10937-000-C and 10937-000-E.	10/04/2017
C1	C3	Fenestration Recycling Company Limited have a member of staff working towards the relevant qualifications. Progress on obtaining relevant qualifications shall be provided to NRW.	03/07/2017

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 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.