

Compliance Assessment Report

Report ID:
CAR_NRW0026368

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	11/08/2016	Time in	10:30	Out	11:45	
Assessment type	Audit					
Parts of the permit assessed	Permitted Operations					
Lead officer's name	Davies, Gareth					
Accompanied by						
Recipient's name/position	Stephen Hemmings/ Director	Date issued	13/09/2016			

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	A	
C2 - General Management - Management system and operating procedures	C3	1.1.1
C4 - General Management - Storage, handling labelling and Segregation	C3	3.4.1
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	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	2	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

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

Stuart Watcham (SW) – Consultant to Fenestration Recycling Company Limited

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

Simon Pearson (SP) – Mid & West Wales Fire and Rescue Service (MWWFRS)

Conrad Cole (CC) - Mid & West Wales Fire and Rescue Service

The purpose of the joint visit with MWWFRS was to discuss the risk of fire on site and the Fire Prevention and Mitigation Plan that was submitted to NRW as part of the permit variation. Further to this it was also to discuss the recent permit variation that was issued to FRCL on 28 July 2016.

JD gave an initial introduction to the operations carried out by FRCL to SP and CC of MWWFRS. A site tour was then undertaken to view the process and the layout of the site. From the site tour it was evident that progress had been made on the trommeling of the material that had accumulated on site following the initial treatment through the hammer mill. The processing was being carried out in the corner of the site. This can be seen in the photographs below.



There was a reduction in the size of the main stockpile on site. There was an area at the entrance to the site that had been cleared and a fire break had been generated by processing some of the material. This can be seen in the photographs below. This material has been put through the trommel to remove any residual recyclates.



The processing through the trommel has generated 2 further waste stockpiles / waste types. These are being sent off site to two different waste contractors. These can be seen in the photographs below. They would be described as over-sized material and then residual fines.



FRCL continue to produce chipped plastic for export as feedstock. Approximately 20 tonnes of material is produced for removal off site each day. As well as the chipped plastic produced, a number of other waste streams are produced, namely black rubber seals from windows frames, metals, HAMOS reject and HAMOS dust. These waste types are now being stored within the permitted area following the variation. The HAMOS process is now a permitted operation. These can be seen in the photograph below.



JD estimated that it would take approximately a further 4 weeks to process the remaining material that required processing through the trommel. Once this had been completed it would then be possible to access the security fence to carry out repairs. There was evidence of damage to the security fence. This can be seen in one of the photographs above.

Fire Prevention & Mitigation Plan

MWWFRS confirmed that the likely source of ignition is from the operations on site and from unsolicited entry resulting in a deliberate fire. The materials and waste types generated on site are unlikely to generate any heat themselves resulting in self combustion. There is some residual heat in some of the recyclate once it has gone through the secondary process, but it is not thought that this would result in an ignition source.

SP obtained some contact details in relation to the site and will complete an operational plan in due course. Prior to final sign off, the SP and CC would re-visit the site to discuss the plan as well as obtain aerial photographs.

JD and SW confirmed that the Fire Prevention & Mitigation Plan (SD3Dd) submitted as part of the variation application is the one that FRCL will be using in order to comply with condition 3.4.1 of the permit. SW confirmed that there needed to be some updates done in terms of the correct references being included within the written management system and on the site plans. This will be done in due course. The Fire Prevention & Mitigation Plan refers to a number of plans and the installation of fire breaks within the waste storage areas. A copy of the plan can be seen below.



The current waste storage of material on site does not reflect the storage plan reference 10937-001-E above. Within the northern and southern sections of the site fire breaks have not been put in place.

The storage of material not in accordance with the Fire Prevention & Mitigation Plan and associated storage plans is a breach of condition 3.4.1. This has been scored a CCS3 under C4, General Management – Storage, handling, labelling and segregation.

The current storage on site is also a breach of condition 1.1.1 and has been scored a CCS3 under C2, General Management – Management System and operating procedures. This is because the wider written management system for the site has not been complied with. Section 8.8.1 states that 'Waste will be stored in designated areas of the facility' and a 'A storage plan for 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 reference 10937-001-E. Although there appears to be 2 separate reference numbers it is assumed that they refer to the same storage plan.

Site Drainage

JD confirmed that a bund had been installed along the boundary adjacent to the canal. The installation of this bund ensures that FRCL are compliant with the requirements under 'Discharge of site drainage' in Table S1.1. It was not possible to view the newly installed bund due to the waste currently being stored on this area. GD requested that a photograph of the bund be taken when the next load of material is removed from this area. JD confirmed that he would do this. SW explained that DCWW confirmed that the site drainage would not be classified as clean surface water run-off. Subsequently, FRCL will be applying to discharge their surface water run-off to sewer.

JD confirmed that FRCL were up to date with their waste returns.

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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Site	Fenestration Recycling Company Limited	Permit Ref	HP3938RN
Operator/Permit holder	Fenestration Recycling Company Limited	Date	11/08/2016

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			
C2	C3	A date shall be agreed with Natural Resources Wales for when the waste shall be stored in accordance with the Fire Prevention and Mitigation Plan.	30/09/2016
C4	C3	A date shall be agreed with Natural Resources Wales for when the waste shall be stored in accordance with the Fire Prevention and Mitigation Plan.	30/09/2016

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.