

## Compliance Assessment Report CAR\_NRW0040003

**Permit being assessed:** KP3195FW.

For: Newport Refrigerator Plant, held by Sims Group U K Ltd  
At: South Dock, Alexandra Dock, Newport, Gwent, NP20 2WE.

**Type of assessment carried out:** Report/Data Review, Reason: Other.

On 14/06/2022.

Parts of permit assessed: All

**NRW Lead Officer:** Luke Burton.

**Report sent to:** Georgina Sidney, EHS Partner – UK South & Central Europe on 14/06/2022.

### 1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E5 - Emissions - Waste	C4 No impact	2.4.11.
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.3.1 (b); and, 4.3.1 (b)(i)

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
2	0.2

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

### 2. What action is required?

Criteria	Action needed	Complete by
E5	Investigations have been carried out to determine the cause of the breach of the specified standard for foam. The root cause of the issue was screen wear causing a catch point which lead to a build up and carry over of foam. Catch point cleared and maintenance schedules updated to include more frequent screen changes.	28/06/2022
G4	Establish the root cause of the delay in notification. Report back to Natural Resources Wales on the root cause of the delay. Update your reporting and notification procedures to address the root cause in the delay and share the revised procedures with Natural Resources Wales, highlighting the changes made.	14/08/2022

Action criteria codes are listed in the 'Important information' section below.

### 3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

#### **At this time, we do not intend to take any further action.**

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

### 4. Details of our assessment

On 26 January 2022 laboratory analysis results indicated a 4.0 % w/w foam content from a sample taken from Plastic Plant Line 2 on 20 January 2022.

The permit specifies the quantity of foam remaining on granulated plastic after processing shall not exceed 1% w/w.

On 1 March 2022 Sims Group UK Limited notified Natural Resources Wales of this exceedance of the specified standard via Schedule 5 Notification.

Prior to this occurrence, exceedances of this specified standard have been limited with the previous occurrence happening in 29 July 2020, for foam remaining on granulated metal.

Since being alerted to the exceedance, Sims Group UK Limited have conducted investigations into its root cause. The root cause of the exceedance was screen wear causing a catch point and build up and carry over of foam. The catch point has since been cleared and maintenance schedules updated to include more frequent screen changes.

In response to the specified standard exceedance and notification timescale Natural Resources Wales will record the following non-compliances:

#### *Specified standard for foam:*

Table S1.3 Standards for pre-destruction and destruction of refrigeration units states - The quantity of foam remaining on the granulated plastic after processing shall not exceed 1% w/w. Condition 2.4.11 states the dismantling and destruction of refrigerator units shall take place in accordance with Table S1.3.

As the specified standard was exceeded by 3% w/w, condition 2.4.11 has been breached.

Natural Resources Wales has scored this breach as a Category 4 – A non-compliance that cannot foreseeably have any impact on the environment. This category was chosen as although the specified standard for foam was exceeded, it is reasonably foreseeable that this exceedance could not lead to a defined environmental incident.

Thank you for investigating the root cause of the exceedance and updating your maintenance schedule.

**Action Sims Group UK Limited:** Please share the updated maintenance schedule, highlighting the changes made to it following your investigation.

**Notification timescale:**

Condition 4.3.1 (b) states in the event of a breach of any permit condition the operator must immediately— (i) inform Natural Resources Wales, and (ii) take the measures necessary to ensure that compliance is restored within the shortest possible time. Condition 4.3.2 goes further to state any information provided under condition 4.3.1 (b)(i) where the information relates to the breach of a limit specified in the permit shall be confirmed by sending the information listed in Schedule 5 to the permit within the time period specified in that schedule. Schedule 5 (b) Notification requirements for the breach of a permit condition states, to be notified within 24 hours of detection.

As the laboratory analysis results indicated an exceedance of the specified standard on 26 January 2022 and the notification was received by Natural Resources Wales on 1 March 2022, condition 4.3.1 (b) and 4.3.1 (b)(i) have been breached.

Natural Resources Wales has scored this breach as a Category 4 – A non-compliance that cannot foreseeably have any impact on the environment. This category was chosen as although the specified standard for foam was exceeded, it is reasonably foreseeable that this exceedance could not lead to an environmental incident in this circumstance.

**Action Sims Group UK Limited:** Investigate the root cause of the delay in notification. Report back to Natural Resources Wales on the root cause of the delay. Update your reporting and notification procedures to address the root cause of the delay and share the revised procedures with Natural Resources Wales highlighting the changes made following the investigation.

N.B. Whilst Natural Resources Wales has scored this breach as a Category 4 the importance of sending Schedule 5 Notifications within the time period specified in that schedule should not be understated. Notifications are key to assisting the operator and regulator in reducing the environmental impact of incidents. Future delays in notifications may therefore be categorised as posing a greater threat, which may affect your annual subsistence fees.

END.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

## Important information

### Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

### Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

### How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

### **What are suspended scores?**

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

**Full list of Industry and Waste action criteria (used in section 1 and 2):**

#### **A: Permitted activities**

- A1 Specified by permit

#### **B: Infrastructure**

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

#### **C: General management**

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

#### **D: Incident management**

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

#### **E: Emissions**

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

#### **F: Amenity**

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

#### **G: Monitoring and records, maintenance and reporting**

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

#### **H: Resources efficiency**

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

### **Enforcement response**

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

### **Data protection notice**

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

### **Disclosure of information – this report will be available to view on-line**

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

### **What do I do if I disagree with the report or have a complaint?**

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

### **Welsh Language Standards**

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.