

## Compliance Assessment Report

**Report ID:**  
**CAR\_NRW0026333**

**This form will report compliance with your permit as determined by an NRW officer**

|                              |                                      |             |            |     |     |
|------------------------------|--------------------------------------|-------------|------------|-----|-----|
| Site                         | Sims Group U K Ltd (fridge Plant)    | Permit Ref  | KP3195FW   |     |     |
| Operator/Permit holder       | Sims Group U K Ltd                   |             |            |     |     |
| Regime                       | Installations                        |             |            |     |     |
| Date of assessment           | 06/09/2016                           | Time in     | N/A        | Out | N/A |
| Assessment type              | Check Monitoring/Sampling            |             |            |     |     |
| Parts of the permit assessed | Monitoring returns                   |             |            |     |     |
| Lead officer's name          | Willey, David                        |             |            |     |     |
| Accompanied by               |                                      |             |            |     |     |
| Recipient's name/position    | Georgina Sidney/ Environment Advisor | Date issued | 06/09/2016 |     |     |

### 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 |
|------------------------------------------|--------------|-----------------------|
|------------------------------------------|--------------|-----------------------|

**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.

|                                    |          |                                                                     |          |
|------------------------------------|----------|---------------------------------------------------------------------|----------|
| <b>Number of breaches recorded</b> | <b>0</b> | <b>Total compliance score</b><br>(see section 5 for scoring scheme) | <b>0</b> |
|------------------------------------|----------|---------------------------------------------------------------------|----------|

**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

This CAR Form acknowledges the receipt of the following reporting forms, temporary storage of fridges as well as responses received from the actions from previous CAR Form.

### Actions from CAR Form issued on 11th March 2016

Following the visit on the 29th January 2016 SIMs Group UK Limited were required to provide a written explanation for the reasons why there is an hour's lag between the two plants. SIMs responded on the 11th April confirmed that the reading is not a lagged reading but is a time weighted average reading which would account for the difference between the two displays.

The CAR Form also stated that NRW need to understand how the reported values in the reporting forms are calculated.

**ACTION:** Sims Group UK Limited to provide NRW with the calculation for deriving the values submitted in the reporting forms as well as describing the methodology for which CFC limit value is used for assessing the emissions to air.

### Reporting forms and requirements

The permit issued to Sims Group UK Limited requires submission of the following:

| Condition |                                                                       | What                         | When           |
|-----------|-----------------------------------------------------------------------|------------------------------|----------------|
| 1.2.1     | Energy efficiency                                                     | Review                       | Every 4 years  |
| 1.3.1     | Efficient use of raw materials                                        | Review                       | Every 4 years  |
| 1.4.2     | Avoidance, recovery and disposal of wastes produced by the activities | Review                       | Every 4 years  |
| 3.1.3     | Groundwater monitoring                                                | Monitoring                   | Every 5 years  |
| 3.1.3     | Soil monitoring                                                       | Monitoring                   | Every 10 years |
| 4.2.2     | Annual report                                                         | Report                       | Annually       |
| 4.2.3     | Monitoring requirements                                               | Air monitoring for A1 and A2 | Monthly        |
| 4.2.5     | Waste returns                                                         | Returns                      | Quarterly      |

The following has been submitted to NRW with the following comments:

### ***Environmental Performance report 2015***

Appendix 1 of the report refers to results or the period 14/07/2016. NRW assume this to be 2015 and that this is a typo.

There are exceedances of the standards for fridge destruction of the foam limit for plant 1 in the period 30/11/15 and for plant 2 for the period 14/07/15 and 23/12/15.

**ACTION:** Sims to provide an explanation for these exceedances and what has been done to prevent these exceedances from occurring again.

### ***Performance 1***

January, February, March, April, May and June reports received

**ACTION:** Please could you continue to submit the performance parameters quarterly?

### ***Air 1***

February, March, April, May and June reports received with the following comments:

March – missing monitoring data for Plant 1

February, March, April, May - missing monitoring data for Plant 2

There are also inconsistencies in the data received for Fridge destruction as set out in Table S1.4 of the permit.

**ACTION:** Sims to provide justification for the missing monitoring requirements and to submit the returns for January.

**ACTION:** Please could you continue to submit the requirements S1.3 and S1.4 with the Air 1 returns?

### ***Temporary storage of fridges***

On the 6th May 2016 Sims requested permission to store up to 40,000 refrigeration units for a maximum duration of 6 months. The reason for the request was due to the downtime of the plant therefore leading to a back log of units to process.

Sims confirmed that due to the unique nature of the facility such spares are not 'off the shelf' and not held in stock by the manufacturer, they are made to order. To overcome this issue Sims have ordered double so that lead time is not dependent on the manufacture of these parts.

As a result of ensuring that critical spares are in stock the plant downtime will only be that of a labour issue and therefore considerably less with a worst case scenario of 14 days. Storage capacity of the site is the equivalent of 3 weeks' worth of stocking, resulting in a 1 week 'cushion' of storage availability.

Sims considered applying for a permit at the proposed temporary storage area, however there were concerns that Sims would not have control over the area during periods of vacancy (Sims

would have no input into the selection of other ABP tenants), and therefore could not guarantee that any activities would be monitored as per the requirements of the permit, nor ensure that such activities do not cause environmental impact.

It is anticipated that both lines will be operating at full capacity by the end of August 2016. The site is accepting fridges however some contracts remain on reduced collections, which will continue post end of August whilst current stocks are reduced.

NRW allowed the temporary storage of waste fridges on land off West Way Road, Newport Docks as shown in the submitted plan 'Sims Group Limited\_Newport\_Proposed Storage Area Location Plan.pdf' received on 6th May 2016.

The activity will cease and the area will be free of waste no later than the 16th November 2016. Failure to comply with this deadline may result in further enforcement action being taken.

Sims will comply with the principle of the S2 exemption:

<https://www.gov.uk/guidance/waste-exemption-s2-storing-waste-in-a-secure-place>

And the following additional conditions;

- The storage area must meet the requirements of an S2 exemption and WEEE directive
- The maximum amount of the waste on site will be 40,000 units
- Any fridges which are damaged or contain foodstuffs will be either sent directly to the Fridge Plant or when detected will be moved within 12 hours
- Waste will not be processed on site, this position is for the storage of waste only
- Fridges will be stored no higher than 5 metres
- Environmental and fire risk assessments are prepared and agreed with NRW with appropriate fire prevention methods employed on site prior to storage commencing.
- Paperwork is completed and kept for the movement of waste, including consignment notes (i.e. including a hazardous waste producer registration for the site)

Sims must not;

- cause nuisance through noise, dust and odours
- cause pollution or harm the environment

Should any adverse effects be noticed the activity must be stopped immediately and Natural Resources Wales notified.

Please note that this is a temporary agreement for the specified period and that this request will not be permitted again unless the relevant permit is in place. A warning letter will be issued to acknowledge that this storage activity is an offence under the Environmental Permitting Regulations. However, our position could change if any further relevant information comes to light including, but not restricted to, information that:

- Sims have committed earlier offences;
- Sims have committed other offences of which we are presently unaware
- the potential environmental impacts of this activity is greater than we presently understand them;
- The fire risk is not being adequately controlled.

This agreement does not:

- remove the need for planning consent or compliance with any other regulatory regime;
- prevent any other prosecuting authority taking action against you or;
- affect our right to issue enforcement, clear-up or remediation notices, or seek recovery of

costs or damages according to law.

Sims submitted an Environment, Fugitive Emissions and Accidents Risk Assessment and Management Plan in May 2016 for the temporary storage area that will be kept as a 'live' document.

**END**

## EPR Compliance Assessment Report

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|                        |                                   |            |            |
|------------------------|-----------------------------------|------------|------------|
| Site                   | Sims Group U K Ltd (fridge Plant) | Permit Ref | KP3195FW   |
| Operator/Permit holder | Sims Group U K Ltd                | Date       | 06/09/2016 |

### 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.

### 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 |              |                         |          |

## 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](mailto: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.