

Compliance Assessment Report CAR_NRW0041374

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: Routine.

On 31/12/2022.

Parts of permit assessed: Monitoring and reporting requirements

NRW Lead Officer: Luke Burton.

Report sent to: Georgina Sidney, EHS Partner – UK South & Central Europe on 28/02/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	Table S4.2 and S4.3.
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	Table S4.4
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4 No impact	3.3.1
E1 - Emissions - Air	C3 Minor	3.1.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor	3.3.1

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

Total number of non-compliances recorded	Total non-compliance score
5	8.3

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
G4	Operator to provide a schedule for reporting which includes a structure defining roles and responsibilities for reporting and how reporting is scheduled.	28/03/2023
G4	Operator to continue to report on forms specified in schedule 4 table S4.4, as has been happening since April 2022. Action	Already completed

Criteria	Action needed	Complete by
	deadline: On-going.	
G1	Operator must gather at least 6 monthly samples, before transitioning to sampling every 6 months. Action deadline: On-going.	Already completed
E1	Operator to continue to monitor emissions and report emission limit breaches in line with environmental permit. Action deadline: On-going.	Already completed
G1	Operator to provide a structure defining roles and responsibilities for monitoring and records of staff sampling training.	28/03/2023

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

This Compliance Assessment Report (CAR) has been produced in response to the submission of annual performance report(s) and reporting of monitoring required by the following environmental permit conditions.

Condition 4.2.2 of the environmental permit states:

A report or reports on the performance of the activities over the previous year shall be submitted to Natural Resources Wales by 31 January (or other date agreed in writing by Natural Resources Wales) each year. The report(s) shall include as a minimum:

- (a) a review of the results of the monitoring and assessment carried out in accordance with the permit including an interpretive review of that data;
- (b) the annual production/treatment data set out in Schedule 4 Table S4.2; and
- (c) the performance parameters set out in Schedule 4 Table S4.3 using the forms specified in Table S4.4 of that schedule.

Table S4.2 of Schedule 4 to the environmental permit is partially reproduced below.

Table S4.2 Production/treatment

Parameter	Frequency
A summary of the residual waste materials removed from site, in the format of Appendix A	Quarterly

Table S4.3 of Schedule 4 to the environmental permit is partially reproduced below.

Table S4.3 Performance parameters

Parameter	Frequency of assessment	Units
A summary of the wastes processed and the efficiency of the processing operations, in the format of Appendix B	Quarterly	As specified in Appendix B
A summary of the residual materials conformance testing, in the format of Appendix C	Quarterly	%w/w
Water usage	Annually	m ³
Energy usage	Annually	MWh
Generation of waste water	Annually	M ³
Total raw material used	Annually	tonnes

Table S4.4 of Schedule 4 to the environmental permit is partially reproduced below.

Table S4.4 Reporting forms

Media/parameter	Reporting format	Date of form
Air	Form air 1 or other form as agreed in writing by Natural Resources Wales	17/08/2022
Residual materials from pre-destruction and destruction process	Quantities of residual materials from pre-destruction and destruction process form (Appendix A) or other form as agreed in writing by Natural Resources Wales	15/01/2021
Process efficiency	Destruction process efficiency reporting form (Appendix B) or other form as agreed in writing by Natural Resources Wales	15/01/2021
Conformance testing of residual materials	Residual materials conformance testing reporting form (Appendix C) or other form as agreed in writing by Natural Resources Wales	15/01/2021
Other performance indicators	Form performance 1 or other form as agreed in writing by Natural Resources Wales	17/08/2022
Water usage	Form water usage 1 or other form as agreed in writing by Natural Resources Wales	15/01/2021
Energy usage	Form energy usage 1 or other form as agreed in writing by Natural Resources Wales	15/01/2021
Raw materials used	Form other performance 1 or other form as agreed in writing by Natural Resources Wales	17/08/2022
Waste Subject to Conditions 4.2.5	Waste tonnage return form from the Natural Resources Wales website or other form as agreed in writing by Natural Resources Wales	N/A

Condition 4.2.3 of the environmental permit states:

Within 28 days of the end of the reporting period the operator shall, unless otherwise agreed in writing by Natural Resources Wales, submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows:

- (a) in respect of the parameters and emission points specified in schedule 4 table S4.1;
- (b) for the reporting periods specified in Schedule 4 Table S4.1 and using the forms specified in Schedule 4 Table S4.4; and
- (c) giving the information from such results and assessments as may be required by the forms specified in those tables.

Table S4.1 of Schedule 4 to the environmental permit is partially reproduced below.

Table S4.1 Reporting of monitoring data

Parameter	Emission or monitoring point/reference	Reporting period	Period begins
Emissions to air Parameters as required by condition 3.3.1.	3A and 3B	Monthly	06/07/2015

Condition 4.2.2

Report(s) for condition 4.2.2 were submitted via email on 31/01/23

The report(s) submission was made inside the reporting window which represents compliance with the environmental permit.

The report(s) submitted include the parameters specified in schedule 4 table and S4.3 which represents compliance with the environmental permit.

The report(s) submitted are for the reporting periods specified in schedule 4 table and S4.3 which represents compliance with the environmental permit.

The report(s) have been submitted using the forms specified in schedule 4 table S4.4 which represents compliance with the environmental permit.

The monitoring report(s) submitted include an interpretive review and assessment as required by condition 4.2.2 (a) which represents compliance with the environmental permit.

Appendix A, B, and C reports

Quarterly report(s) for Table S4.2 and S4.3 were submitted via email on 26 May 2022 (Q1 Jan to March), 03 August 2022 (Q2 April to June), 31 Oct 2022 – (Q3 July to Sept), and, 30 Jan 2023 (Q4 Oct to Dec).

The report(s) submission for Q1 and Q2 were not made inside the reporting window which represents non-compliance with the environmental permit.

As a result of this non-compliance a CCS Score C4 has been recorded against compliance sub-criteria G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales.

Action: Operator to provide a schedule for reporting which includes a structure defining roles and responsibilities for reporting and how reporting is scheduled. Action deadline:

28/03/23

The report(s) submission for Q3 and Q4 were made inside the reporting window which represents compliance with the environmental permit.

The report(s) submitted included include the parameters specified in schedule 4 table S4.2 and S4.3 which represents compliance with the environmental permit.

The report(s) submitted were for the reporting periods specified in schedule 4 table S4.2 and S4.3 which represents compliance with the environmental permit.

The report(s) were been submitted using the forms specified in schedule 4 table S4.4 which represents compliance with the environmental permit.

The monitoring report(s) submitted included include results and assessments as required by schedule 4 S4.2 and S4.3, which represents compliance with the environmental permit.

Reported efficiency of the processing operations in the format of Appendix B in relation to permit condition 2.3.1 (a) all fell within the permitted limit which represents compliance with the environmental permit.

Reported residual materials conformance testing in the format of Appendix C in relation to permit condition 2.3.1 (a) all fell within the permitted limit, except result for January 2022 which represents non-compliance with the environmental permit. This non-compliance has already been scored in CAR_ NRW0040003 and remedial actions undertaken – Thank you.

Reporting of emission to air parameters as required by condition 3.1.1.

Monthly report(s) for condition 4.2.3 were submitted via email each month in 2022.

The report(s) submission was made inside the reporting window which represents compliance with the environmental permit.

The report(s) submitted include the parameters specified in schedule 4 table S4.1 which represents compliance with the environmental permit.

The report(s) submitted are for the reporting periods specified in schedule 4 table S4.1 which represents compliance with the environmental permit.

The report(s) have not been submitted using the forms specified in schedule 4 table S4.4 for the period January to March which represents non-compliance with the environmental permit.

As a result of this non-compliance a CCS Score C4 has been recorded against compliance sub-criteria G4 Monitoring and records, maintenance, and reporting – Reporting and notification to Natural Resources Wales

Action: Operator to continue to report on forms specified in schedule 4 table S4.4, as has been happening since April 2022 – Thank you. Action deadline: On-going.

The report(s) have been submitted using the forms specified in schedule 4 table S4.4 for

April - December which represents compliance with the environmental permit.

The monitoring report(s) submitted include include results and assessments as required by condition 4.2.3, schedule 4 table S4.1 and S4.4, which represents compliance with the environmental permit.

All reported emissions for the months January - February, April - July, September and December were within specified limits of Table S3.1 which represents compliance with the environmental permit.

Emissions of Total Volatile Organic Compounds (TVOCs) for the month of August were not reported. This was due to the operator finalising the sampling requirements with their laboratory, meaning a sample was not taken which represents non-compliance with the environmental permit.

As a result of this non-compliance a CCS Score C4 has been recorded against compliance sub-criteria G4 Monitoring and records, maintenance, and reporting – Reporting and notification to Natural Resources Wales because August was the first month of TVOC sampling under the Schedule 3(b).

Action: Operator must gather at least 6 monthly samples, before transitioning to sampling every 6 months. Action: On-going.

Reported emissions for the month of March were outside of specified limits of Table S3.1 which represents non-compliance with the environmental permit. An investigation was carried out to determine the cause of the elevation. Online plant readings were within normal parameters. No operational issues were identified.

As a result of this non-compliance a CCS Score C3 has been recorded against compliance sub-criteria E1 Emissions – Air.

Action: Operator to continue to monitor emissions and report emission limit breaches in line with environmental permit. Action deadline: On-going.

Emissions for the month of November were not reported as they were sampled incorrectly. The root cause has been identified as training. Refresher sampling training is being undertaken.

As a result of this non-compliance a CCS Score C3 has been recorded against compliance sub-criteria C1 General management – Staff competency/training.

Action: Operator to provide a structure defining roles and responsibilities for monitoring and records of staff sampling training. Action deadline: 28/03/23

Remarks: It should be noted that the operator has maintained efforts to comply with the permit whilst meeting the financial challenges of a post-COVID economy and undertaking significant investment following the publication of the Best Available Techniques Reference Document for Waste Treatment – Thank you.

END

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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 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

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.