

Compliance Assessment Report CAR_NRW0042561

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: Report/Data Review,

Reason: Routine.

On: 04/10/2023.

Parts of permit assessed: 2.5.2.

NRW Lead Officer: Luke Burton.

Report sent to: Georgina Sidney, EHS Partner – UK South & Central Europe , on 04/10/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2E - Operations - Improvement programme	C4 No impact	2.5.2

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

Total non-compliances recorded	Total non-compliance score
1	0.1

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
IR2E	See actions 1, 2, 3 and 4 within CAR body.	05/01/2024

Compliance 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 improvement programme requirements within the permit.

Improvement programme requirements IC2 states: *The operator shall submit to Natural Resources Wales a written procedure(s) describing how they intend to meet the following BAT requirements in accordance with requirements specified within BAT Conclusion of the Waste Treatment BREF Document (EU 2018):*

1. *BAT 1 Environmental Management System (vii) following development of cleaner technologies, (IX) application of sectoral benchmarking on a regular basis and (x) inventory of waste gas stream in line with BAT 3*

This section of the improvement programme is to demonstrate how you promote and supports the continuous improvement of the environmental performance of the installation.

* (x) inventory of waste gas stream in line with BAT 3 is to be satisfied by ACTION 2*

ACTION 1: Please provide an overview of how your Environmental Management System (EMS) meets the above BAT requirements, describing the techniques in place and how they meet the standard. NB you are not required to supply the EMS as a whole but you are required to submit more than a contents list.

2. *BAT 3 (iii) Information on the characteristics of the waste gas stream*

This section of the improvement programme is to demonstrate how you promote efficient wastewater/waste gas management and for the reduction of emissions by technical and management measures.

ACTION 2: Please provide an inventory of the waste gas stream, which includes the following characteristics, if relevant: (a) average values and variability of flow and temperature; (b) average concentration and load values of relevant substances/parameters and their variability (e.g. organic compounds, POPs such as PCBs); (c) flammability, lower and higher explosive limits, reactivity; (d) presence of other substances that may affect the waste gas treatment system or plant safety (e.g. oxygen, nitrogen, water vapour, dust). NB please link the inventory with the associated waste treatment process and include both fugitive and point source emissions.

3. *BAT 8 Monitor channelled emissions to air with a frequency specified (TVOC). Also relates to BAT 29, Table 6.4.*

This section of the improvement programme is to demonstrate how you are monitoring point source emissions inline with the relevant frequencies and standards.

ACTION COMPLETE: Following provision of: *Sims Group UK Limited_Sampling and Reporting Protocol_Newport Fridge Recycling Facility_March 2023_V3, SOP 10102 CFC and TVOC Emissions Samples Harvest, and TBT_16.02.23_SOP 10102 CFC and TVOC*

Emissions Samples Harvest, this action was completed on 28/03/2023

4. *BAT 19 [prevent/reduce emissions to soil and water c) impermeable surface. Provide information on how the site complies with CIRIA 736 or an equivalent engineering standard to which the surface complies together with sign off from construction by a Certified Quality Auditor]*

This section of the improvement programme is to demonstrate how you are preventing short- and long-term contamination of the site.

The interpretation of this section was provided during the permit variation stage, where by NRW defined this section as follows: *'we would expect operators to submit what standards they currently have (what was submitted when permitted) and how they have maintained them through the EMS. [...]what are the original standards, what checks have been done over the year, repairs etc. We expect operators to be able to demonstrate surfacing hasn't deteriorated over the years, inspection checklists in place etc. We would not expect sites to be assessed by Certified Quality Auditors retrospectively.'*

ACTION 3: Please provide a document summarising the following in respect of the site's impermeable surface: What engineering standard of surface is currently in place and what was the standard when operations began, what checks, inspections and repairs have been completed on that surface. Please also provide the surface inspection checklist currently used at site.

5. *BAT 23 Energy efficiency – (a) Energy Efficiency Plan and (b) Energy Balance Record*

This section of the improvement programme is to demonstrate how you are using energy efficiently.

ACTION 4: Please provide an energy efficiency plan defining and calculating the specific energy consumption of the activity, setting key performance indicators on an annual basis (for example, specific energy consumption expressed in kWh/tonne of waste processed) and planning periodic improvement targets and related actions. Please also provide an energy balance record which details the energy consumption and generation, if relevant, by the type of source and showing how the energy is used throughout the process.

Deadline for submission

Please provide the required information for Actions 1, 2, 3 and 4 by 5/1/24

Scoring

The initial deadline for submission of the above information as listed in the permit was 17/2/22.

On 17/2/22 the operator requested that the deadline for submission be extended until 1/4/22.

Natural Resources Wales' generic approach to deadline extensions was to allow submission before 17/8/22.

As no response has been received to date, a breach of permit condition 2.5.2 has been scored.

The breach has been scored a category 4 non-compliance – A non-compliance that cannot foreseeably have any impact on the environment, people and/or property.

This score has been recorded based upon the foreseeable impact were the works not to be completed. There is no foreseeable impact of the works not being completed as the works relate to written procedures for continuous improvement and efficiency rather than environmental impact, or in the case of BAT 19, retrospective evidence of standards.

The operator has engaged with Natural Resources Wales Officers on the submissions and made efforts to supply the required information and this has also been taken into consideration in the scoring.

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.

If your assessment result in Section 1 is suspended, what does this mean?

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 compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.