

## Compliance Assessment Report CAR\_NRW0043654

**Permit being assessed:** CP3795FY.

**For:** Newport Metal Site, **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:** 31/12/2023.

**Parts of permit assessed:** 4.2 Reporting and 3.1 emissions to water.

**NRW Lead Officer:** Luke Burton.

**Report sent to:** Georgina Sidney, EHS Partner – UK South & Central Europe , on 01/03/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR4B - Information - Reporting	Assessed (A)	
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2 (copper 1)
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2 (copper 2)
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2 (copper 3)
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2

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

Total non-compliances recorded	Total non-compliance score
4	16

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
IR3A	Operator shall submit to NRW a report detailing all sources of	30/04/2024

Criteria	Action needed	Complete by
	cadmium and copper on site and control measures you will use to further reduce cadmium and copper emissions from your activities.	
IR3A	Same as 'copper 1' action	30/04/2024
IR3A	Same as 'copper 1' action	30/04/2024
IR3A	Same as 'copper 1' action	30/04/2024

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 submission of annual performance report(s) and quarterly reporting required by the following environmental permit conditions.

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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;

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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 S4.2; 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 water Parameters as required by condition 3.3.1	NGR ST 31970 84990	Quarterly	01/07/15
Surface water monitoring Parameters as required by condition 3.3.1	NGR ST 31740 84750	Quarterly	01/07/15

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

**Table S4.2 Reporting forms**

Media/parameter	Reporting format	Date of form
Water and Land Form water 1 or other form as agreed in writing by Natural Resources Wales		01/07/15

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 are for the reporting period specified in schedule 4 table S4.2 and S4.3 which represents compliance with the environmental permit.

The report(s) have been submitted using the forms specified in condition 4.2.2 which represents compliance with the environmental permit.

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

Report(s) for condition 4.2.3 were submitted on a quarterly basis via email throughout 2023.

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

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

Reported emissions for quarter one and quarter four for copper at monitoring point TSP1 were outside of specified limits of Table S3.1 which represents non-compliance with the environmental permit.

Reported emissions for quarter four for copper at monitoring point TSP2 were outside of specified limits of Table S3.1 which represents non-compliance with the environmental permit.

Condition 3.1.2 has been breached due to the limits given in schedule 3 being exceeded for copper and cadmium.

**The 1<sup>st</sup> copper limit breach has been scored a C3 (minor) non-compliance based on its potential to have a minor or minimal impact or effect on the environment.**

**The 2<sup>nd</sup> copper limit breach has been scored a C3 (minor) non-compliance based on its potential to have a minor or minimal impact or effect on the environment.**

**The 3<sup>rd</sup> copper limit breach has been scored a C3 (minor) non-compliance based on its potential to have a minor or minimal impact or effect on the environment.**

Reported emissions for quarter four for cadmium at monitoring point TSP2 were outside of specified limits of Table S3.1 which represents non-compliance with the environmental permit.

**The cadmium limit breach has been scored a C3 (minor) non-compliance based on its potential to have a minor or minimal impact or effect on the environment.**

An investigation was undertaken to determine the cause of the emission limit exceedances. No incidents that could be attributed to the elevated results were identified. Routine maintenance of the interceptors was completed.

**ACTION: Copper and cadmium emission limit exceedances. Operator shall submit to NRW a report detailing all sources of cadmium and copper on site and control measures you will use to further reduce cadmium and copper emissions from your activities.**

NB date of assessment is set at 31 December 2023 for NRW financial recording reasons.

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](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.