

Compliance Assessment Report CAR_NRW0036939

Permit being assessed: KP3195FW.

For: Sims Group U K Ltd (fridge Plant), held by Sims Group U K Ltd

At: South Dock, Alexandra Dock, Newport, Gwent, NP20 2WE.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 03/09/2020 between 11:00 and 13:00.

Parts of permit assessed: Condition 1.1 General Management

NRW Lead Officer: Wayne Grimstead, accompanied by David Willey.

Report sent to: Georgina Sidney, SHEC Systems Controller & Environment Advisor - UK Metals on 23/09/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C3 - General Management - Materials acceptance	C4 No impact	2.3.2 Operating Techniques, Documentation
C1 - General Management - Staff competency/training	Action only (X)	
C2 - General Management - Management system and operating procedures	Action only (X)	
A1 - Specified by permit	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
E1 - Emissions - Air	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	

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

Total number of 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
C3	Ensure Sims follow their internal materials rejection procedure	16/10/2020
C1	Sims to ensure relevant staff comply fully with the waste rejection procedure by updating training. Evidence of such	16/10/2020

Criteria	Action needed	Complete by
	training shall be sent to NRW by the due date.	
C2	Ensure Sims staff follow internal procedures.	20/11/2020

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

Visit attended by David Willey and Wayne Grimstead to undertake a site handover and for the operator to provide an overview of the site. We were accompanied by employees of Sims, Georgina Sidney, Wayne Taylor and Anthony Hiles.

Hazardous Waste Consignment Note

Following a recent inquiry from the Environment Agency questions were asked regarding the amendment of a consignment note received at site on the 24th June 2020 from Archer Recycling Ltd. The Note itself had been altered by SIMs to reflect the correct code for the incoming waste as well as the associated R codes. It appears from looking at the form that there were other amendments including the lorry registration and the consignment note code.

ACTION: SIMs to review the internal procedures for checking transfer and consignment notes such that it is robust and effective and the frequency of errors is minimised. This needs to incorporate dialogue with those responsible for the note generation and where errors can not be legally rectified transfers should be rejected. Inform NRW in writing of the outcome of the review and any measures put in place as a result. To be completed within 3 months of the issue date of this CAR form.

SIMs stated that notes often come in with missing dates and time and these are often filled in by SIMs. In this instance more details were missing and SIMs completed information that they should not have and instead should have followed their Work Instruction (WI) for rejecting Hazardous Waste Procedure. This WI states that, *'If you identify an error on the HWCN when it is delivered you must not correct it or ask for it to be corrected. You must follow the procedure to reject before you can then accept the waste with a new HWCN.'*

NRW understand that changes that were made to the note were not made to mislead the regulator but to help enable the transfer of waste from Archer Recycling Ltd. The codes that were changed are on both companies' permits and do not make a difference to the classification of the waste, i.e. hazardous or non-hazardous.

Site walkover

During the site walkover whilst in the main building no vents were visible on the roof to indicate a potential release to air for dust. The use of continuous monitoring was confirmed as a process

control mechanism.

ACTION: SIMs to consider logging this data to provide trending over the month / year. This would help with an interpretive review of the data.

Permitting options

Both permits issued to SIMs are currently under review a part of the Waste Treatment BREF. For the permit EPR/CP3795FY for the shredder SIMs confirmed that there will be no longer a need for this activity. Sims also confirmed that there would be no requirement for the hazardous waste storage activity either. The site is currently storing more than 50 tonnes hazardous waste as a result of a back log of units stored during the lockdown period due to COVID 19. This will be removed over the coming months.

For the permit EPR/CP3795FY SIMs have the option of applying for this permit to become a waste facility permit or to surrender the permit completely.

Sims discussed the option of varying the fridge plant permit EPR/KP3195FW to include an additional area of land. We advised that they would be able to do this by varying the permit. However, SIMs should be aware that if this land forms part of the permit EPR/CP3795FY then the permit EPR/CP3795FY would be required to surrender that area of land.

An option put forward to SIMs was for the site to consolidate the two permits and to then remove the shredder activity and one of the hazardous waste storage activities. The fees are set out on the NRW website, <https://naturalresourceswales.gov.uk/about-us/what-we-do/how-we-regulate-you/our-charges/?lang=en>

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 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.