

Compliance Assessment Report CAR_NRW0037454

Permit being assessed: CP3795FY.

For: Sims Group U K Ltd, 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 29/01/2021.

Parts of permit assessed: 1.1 General Management; 3.3 Monitoring; 4.2 Reporting

NRW Lead Officer: Wayne Grimstead.

Report sent to: Georgina Sidney, SHEC Business Partner South on 04/02/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
C2 - General Management - Management system and operating procedures	C4 No impact	1.1 General Management
E2 - Emissions - Land and groundwater	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.3

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

Total number of non-compliances recorded	Total non-compliance score
2	0.2

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
C2	Sims to review management system and procedures to ensure emission points TSP 1, TSP 2 and SESP are sampled quarterly.	31/03/2021
G1	Sims to ensure that personnel are trained in the taking and reporting of monitoring samples. Provide NRW with evidence that the training has been completed for at least 2 members of staff.	31/03/2021
G4	Ensure that quarterly Water 1 forms are sent to NRW within 28 days of the end of the reporting period, even where there	31/03/2021

Criteria	Action needed	Complete by
	is no data to report.	

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

Sims' Environmental Performance Report 2020 was received on 29th January, 2021. It provides a summary of the results from the monitoring carried out during Quarters 1 to 4, 2020, as required by the permit and also includes an interpretive review of that data.

The permit requires quarterly samples of the site drainage discharge taken at 3 points 'TSP1', 'TSP2' and 'SESP'.

Samples were not collected during Q1 for TSP 1. As per the quarterly return requirements, data is provided for Q2 and Q3.

Due to insufficient discharge at TSP 2, no results are provided for Q1, Q2 & Q3.

All samples were visually free from oil and grease and of the sampling carried out, there were no exceedances reported.

Sims confirm that there were no samples collected in Q4 for TSP 1, TSP2 and SESP due to an oversight on their part. Sims confirmed on 28th January, 2021 that they visually monitor the flow rates and appearances of the discharge and that the responsibility for the sampling lies with a member of staff. Sims recognise the failing and have given a commitment to meet the permit requirements in future, to the extent that Q1 2021 sampling has already been carried out.

NRW welcomes the commitment from Sims to carry out and maintain good operational practices and to closely monitor the site drainage to surface water.

This permit has a low number of emission points and the failure to carry out any sampling during Q4 or to submit W1 forms has resulted in 2 no. Category 4 non compliances being issued.

ACTION: In order to minimise the risks of pollution, Sims to carry out a review of their emissions monitoring procedures for TSP 1, TSP 2 and SESP to ensure appropriate measures are in place to meet the quarterly reporting requirements. Inform NRW in writing of the outcome of the review and submit a written copy of the emissions monitoring procedure and evidence that personnel have been trained. To be completed by 31st March, 2021.

Sims EPR/CP3795FY - Operating Techniques

On 19th October, 2020, Sims submitted a latest version of their document 'Operating Techniques', issue date October, 2020. The document is accepted by NRW and has been updated to reflect minor changes to the site layout plan, the boundary has not changed.

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.