

Compliance Assessment Report CAR_NRW0037467

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 28/01/2021 - 11/02/2021.

Parts of permit assessed: 1.1 General Management; 3.1 Emissions; 4.2.2 Reporting;

NRW Lead Officer: Wayne Grimstead.

Report sent to: Georgina Sidney, SHEC Business Partner South on 11/02/2021.

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	Action only (X)	
E1 - Emissions - Air	C4 No impact	3.3.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4 No impact	4.2.3
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
3	0.3

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
C2	Specified in CAR form listed as Action 1.	26/02/2021
E1	Ensure future emissions are within the ELV.	26/02/2021
G1	Specified in CAR form listed as Action 1.	26/02/2021
G4	Specified in CAR form listed as Action 2.	26/02/2021

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 28th January, 2021. It provides a summary of the results from the monitoring carried out during 2020 and also includes an interpretive review of that data.

Similar to many businesses, the site was not operational between March and June due to COVID, hence results were not submitted for this period.

NRW recognise that CFC results for all samples taken of compressor oil and polyurethane foam were within permit limits. Likewise, foam content of plastic samples were all less than the permit limits.

Foam content of metal samples were all within permit limit with the exception of the plant 1 sample taken on 29/07/2020. This exceedance was reported to NRW by way of a Schedule 5 Notification and recorded as a Category 4 non compliance in CAR form reference NRW0036940, dated 23rd September, 2020. Since then, it is positive to note that there have been no exceedances and subsequent results have been within limits.

On 27th January, 2021, NRW were informed that sampling of CFC point source emissions to air for plants 1 and 2 was not carried out during December 2020 due to an issue of contractor availability. Despite samples being taken on the first operational day of January, 2021, the failure to assess emissions at a frequency specified in a permit and submit relevant Air1 forms within 28 days of the end of the reporting period has resulted in 2 no. Category 4 non compliances being issued.

Action 1: In order to minimise the risks of pollution and to ensure emissions monitoring are carried out and reported to NRW at the frequencies required in the permit, Sims to carry out a review of their arrangements with their contractors / laboratories to prevent non-compliances in the future. Sims to provide confirmation of review by 26th February, 2021.

Action 2: Where monitoring of a controlled emission is not carried out due to extenuating circumstances, Sims to notify NRW without delay and before the expiry of the period in which the monitoring is due to take place. Sims also to ensure that relevant Air1 forms are sent to NRW within 28 days of the end of the reporting period, even where there is no CFC data to report. Where exceedances of limits do exist, Sims are reminded that these need to be reported within 24 hours of Sims becoming aware of the permit breach.

As far as emissions to air are concerned, it is recognised that CFC results for plant 2 have all been within limits, calculated throughout the year on the basis as <100 units: 5g/hr.

On October 26th, 2020, NRW received a Schedule 5 Notification of an exceedance of CFC emissions to air for plant 1 during September, the result was 8.8g/hr. An investigation was carried out at the time to determine the cause of the elevation. The online plant readings

were within normal parameters and no operational issues were identified. Additional maintenance was also undertaken. Despite subsequent readings being within limits (albeit no readings for December), the breach of this CFC emission limit in September, 2020, has resulted in a Category 4 non compliance being issued.

Action 3: From the information submitted, it appears that the CFC results reported to NRW on the Air1 form, are calculated by dividing each of the totals shown in the MTD Certificate of Analysis for Emissions Plant Lines 1 and 2, by 20? Sims to confirm this and explain how the figure of 20 is derived. To be completed by 26th February, 2021.

NRW recognise the extreme operating conditions that Sims have had to endure in 2020 along with many other businesses. NRW would like to thank Sims for their efforts in varying this permit. If Sims have any further queries regarding future reporting / emissions monitoring etc, they are invited to discuss the matter with their site officer, Wayne Grimstead.

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.