

	EPR Compliance Assessment Report	Report ID: 05846			
This form will report compliance with your permit as determined by an NRW officer					
Site	Haverfordwest Creamery		Permit Ref	XP3830UR (as amended)	
Operator/ Permit holder	The First Milk Cheese Company Ltd				
Date	17 February 2015		Time in	N/A	Out N/A
What parts of the permit were assessed	Review of monitoring returns and annual performance report for calendar year 2014 3.1 Emissions to water, air or land; 3.5 Monitoring; 4.2 Reporting; Schedule 3 and Schedule 4				
Assessment	Choose an item.	EPR Activity:	Installation	X	Waste Op
Recipient's name/position	Simon Matthews / Safety, Health and Environmental Manager				
Officer's name	D E Cowie		Date issued	15 July 2015	

Section 1 - Compliance Assessment Summary					
This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS scores can be consolidated or suspended, where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.					
Permit Conditions and Compliance Summary					Condition(s) breached
a) Permitted activities	1. Specified by permit	N			
b) Infrastructure	1. Engineering for prevention & control of pollution	N			
	2. Closure & decommissioning	N			
	3. Site drainage engineering (clean & foul)	N			
	4. Containment of stored materials	N			
	5. Plant and equipment	N			
c) General management	1. Staff competency/ training	N			
	2. Management system & operating procedures	N			
	3. Materials acceptance	N			
	4. Storage handling, labelling, segregation	N			
d) Incident management	1. Site security	N			
	2. Accident, emergency & incident planning	N			
e) Emissions	1. Air	A			
	2. Land & Groundwater	A			
	3. Surface water	A			
	4. Sewer	N			
	5. Waste	A			
f) Amenity	1. Odour	N			
	2. Noise	N			
	3. Dust/fibres/particulates	N			
	4. Pests, birds & scavengers	N			
	5. Deposits on road	N			
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	C4		4.2.2(a) Reporting	
	2. Records of activity, site diary, journal & events	N			
	3. Maintenance records	N			
	4. Reporting & notification	C4		4.2.2 and 4.2.3 Reporting	
h) Resource efficiency	1. Efficient use of raw materials	A			
	2. Energy	A			
KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk), A = Assessed or assessed in part (no evidence of non-compliance), N = Not assessed, NA = Not Applicable					

Number of breaches recorded	3	Total compliance score (see section 5 for scoring scheme)	0.3
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If the Total No Breaches is greater than zero, then please see Section 3 for details of our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- the part(s) of the permit that were assessed (e.g. maintenance, training, combustion plant, etc)
- where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- any non-compliances identified
- any non-compliances with directly applicable legislation
- details of any multiple non-compliances
- information on the compliance score accrued inc. details of suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

Site description

The First Milk Cheese Company Ltd operates a milk processing and cheese production facility at Haverfordwest Creamery, Merlins Bridge, Haverfordwest. The company is a subsidiary of First Milk Ltd, the UK's largest dairy farmer co-operative. The facility is permitted as an installation under Section 6.8 (The Treatment of Animal and Vegetable Matter and Food Industries) of the Environmental Permitting Regulations (EPR). Milk from approximately 300 local farms is pasteurised and processed at the installation to produce a range of cheeses and whey products. As of 2014 the installation operates its own on-site effluent treatment plant (ETP) which receives and treats foul water and effluent from the installation. The final treated effluent is discharged to the Western Cleddau. First Milk are developing a nutrient off-set scheme to mitigate the potential impact of the discharge through a programme of environmental improvements at its member farms.

Purpose of visit/assessment

Condition 3.5.1 of the permit requires the operator to undertake the monitoring in Schedule 3 Table S3.1 (emissions to air) and Table S3.2 (emissions to water [other than sewer] and land). The relevant monitoring parameters, limits, frequencies and methods are specified in the aforementioned Tables S3.1 and S3.2.

Condition 3.1.2 requires that the limits given in Schedule 3 shall not be exceeded.

Condition 4.2.3 requires the monitoring results to be reported to Natural Resources Wales* within 28 days of the end of the appropriate reporting period specified in Schedule 4 Table S4.1 of the permit. The operator is also required to submit all monitoring results on the forms specified in Schedule 4 Table S4.4.

Condition 4.2.2 requires the operator to submit to Natural Resources Wales a report or reports on the performance of the permitted installation over the previous year, by 31 January each year, providing the information listed in Schedule 4 Table S4.2 and Table S4.3. The performance data should be assessed at any frequency specified in these two Tables and submitted using the forms specified in Schedule 4 Table S4.4. The report(s) should include a review of the results of the monitoring, including an interpretative review of that data.

Monitoring returns and reports for the following reporting periods have been assessed in this CAR form:

- **July – December 2014** 6-monthly returns – emissions to water (other than sewer) and land
- **January - December 2014** annual returns – emissions to air
- **January - December 2014** annual performance report

Compliance assessment

First Milk's new ETP started operating in July 2014 and has been undergoing a commissioning phase of operation during this period of compliance assessment (Jul – Dec 2014). We have taken this into account when assessing the monitoring returns for emission point W2 (discharge from ETP).

Emissions to water (other than sewer) and land

The operator submitted 2014's annual and 6-monthly returns on 12 February 2015 using the appropriate forms. The data has not been submitted within 28 days of the end of the reporting period and is therefore not compliant with Condition 4.2.3 of the permit. A Compliance Classification Scheme** (CCS) score of **CCS4 (reference 232307)** has been recorded for the late submission. Although we consider this to be a technical breach with no environmental impact, the operator is reminded that monitoring data must be submitted in a timely fashion to avoid future non-compliance scores.

We have assessed the operator's submission and we note that all the emissions for W2 are compliant with the permitted limits. We would offer the following additional comments:

1. The submitted results are based on sampling data obtained on 4 and 5 December 2014. The required monitoring frequencies for each determinant are specified in Table S3.2. For certain determinants, the permit allows look-up table values to be applied at the 95th percentile to a randomised but regular number of samples taken over a period of 12 consecutive months. This is outlined in Schedule 6 of the permit.

Once the ETP commissioning phase has concluded and the plant is in stable and continuous operation, NRW expects First Milk to fully apply the monitoring frequencies and look-up values specified in the permit.

2. NRW notes that First Milk has stated it can supply data for every day of ETP operation via the daily reporting spreadsheet completed by its contractor Severn Trent Services. We will request further data reflecting ETP performance during the remainder of the commissioning phase if we deem it necessary.
3. The uncertainty associated with the reported results has not been stated in the final column of reporting form Water1 (see note 4 on the reporting form). This must be included for all future submissions.
4. We are aware the operator has used Chemical Oxygen Demand (COD) to report data from W2 for other compliance purposes during 2014/15. The permit specifies that Biochemical Oxygen Demand (BOD) must be measured and recorded at W2. If COD is used for any submissions in relation to emissions from W2 an explanation must be provided detailing how this measurement equates to BOD.

In summary: one CCS4 score has been entered onto our system under CCS record number 232307 (late submission of returns).

Emissions to air

The operator submitted 2014's annual and 6-monthly returns on 12 February 2015 using the appropriate forms. The data has not been submitted within 28 days of the end of the reporting period and is therefore not compliant with Condition 4.2.3 of the permit. Our compliance response to this late submission has already been detailed above.

No emission limits are currently included in the permit for A1, A2 and A3. These emission points cover releases from the installation's three boilers which are used for heating the plant. The boilers were previously fuel oil-fired but the system has been upgraded to use natural gas instead. NRW is due to visit the site in 2015 to review the performance of the newly commissioned gas-fired system and we will discuss the monitoring frequency for A1, A2 and A3 during this intervention. However at this time NRW would not seek to impose any new air emission limits; the purpose of the monitoring required by the permit is to provide an indication of boiler efficiency/performance.

Annual performance report

The operator submitted 2014's annual performance reports to us on 12 February 2015 using the appropriate forms. However the information has not been submitted by 31 January 2015 and is therefore not compliant with Condition 4.2.2 of the permit. A **CCS4 score (reference 232307)** has been recorded for the late submission.

The operator has not included an interpretative review of the results of the monitoring and assessment carried out in accordance with the permit. This is not compliant with Condition 4.2.2(a) of the permit. A **CCS4 score (reference 232307)** score has been recorded for this omission. Although we consider these to be technical breaches with no environmental impact, the operator is reminded that annual performance data and an interpretative review must be submitted in a timely fashion to avoid future non-compliance scores.

A brief commentary has been provided on the water and energy use at the installation in 2014, although it is not apparent if the figures show a rise or fall in water and energy use compared to the previous year. It is recognised that the energy figures will significantly change in 2015 following commissioning of the gas-fired boiler system. It is noted that all R22 refrigerant gases have now been removed from site. The annual report with the amount of nitrates, suspended solids and phosphates reduced from the farm management scheme is not yet available.

An amended submission for wastes produced at the installation was received on 17 February 2014. NRW notes with approval that the vast majority of waste was reused, recycled or recovered in 2014, with only 3.69 tonnes being sent to landfill. This is consistent with the objectives in the Welsh Government's waste strategy for Wales, Towards Zero Waste, and the waste hierarchy outlined in Article 4 of the European Waste Framework Directive.

In summary: two additional CCS4 scores have been entered onto our system under CCS record number 232307 (late submission of performance report; lack of interpretative review of the monitoring). Our assessment has therefore concluded three CCS4 breaches under record number 232307 giving a total compliance score of 0.3.

END OF SECTION 2

**In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.*

You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency in Wales.

*** Natural Resources Wales currently applies the same regulatory tools and systems as the Environment Agency.*

	EPR Compliance Assessment Report	Report ID: 05846
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Site	Haverfordwest Creamery	Permit
Operator/ Permit	The First Milk Cheese Company Ltd	Date
		EPR/XP3830UR 15 July 2015

Section 3- Enforcement Response		Only one of the boxes below should be ticked
You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.		
Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.	☒	✓
In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.	☐	n/a
We will now consider what enforcement action is appropriate and notify you, referencing this form.	☐	n/a

Section 4- Action(s)			
Where a non - compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
G1	C4	CCS record: 232307 The operator must submit 6-monthly and annual monitoring returns in a timely fashion in line with requirements of condition 4.2.3 of the permit (within 28 days of the end of the reporting period).	28 July 2015 (next water returns due)
G4	C4	CCS record: 232307 When responding to the requirements of Condition 4.2.2, the operator must include a review of the results of the monitoring and assessment carried out in accordance with the permit including an interpretative review of that data. This must be submitted to NRW as part of the report or reports on the performance of the activities over the previous year due by 31 January 2016.	31 January 2016

Section 5 - Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- advise on corrective actions verbally or in writing
- require you to take specific actions in writing
- issue a notice
- require you to review your procedures or management system
- change some of the conditions of your permit
- decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you.

● We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.

● Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- ensure you comply with other legislative provisions which may apply.

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance which could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General Information

Data protection notice

The information on this form will be processed by Natural Resources Wales (NRW) to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). NRW may also use and/or disclose it in connection with:

- offering/providing you with its literature/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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line managers. If you wish to raise your dispute further through our official **Complaints** and Commendations procedure, phone our general enquiry number **0300 065 3000** (Mon to Fri **08.00–18.00**) and ask for the **Customer Contact team** or send an email to enquiries@naturalresourceswales.gov.uk If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on **(0845) 601 0987**.