

Compliance Assessment Report

Report ID:
CAR_NRW0026409

This form will report compliance with your permit as determined by an NRW officer

Site	Haverfordwest Creamery	Permit Ref	XP3830UR		
Operator/Permit holder	The First Milk Cheese Company Ltd				
Regime	Installations				
Date of assessment	09/09/2016	Time in	N/A	Out	N/A
Assessment type	Check Monitoring/Sampling				
Parts of the permit assessed	3 Emissions and Monitoring				
Lead officer's name	Cowie, Douglas				
Accompanied by					
Recipient's name/position	Colin Reed/ Safety, Health & Environment Manager	Date issued	20/01/2017		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). 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	CCS Category	Condition(s) breached
E1 - Infrastructure - Air	A	
G1 - Infrastructure - Monitoring of emissions and environment	A	

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.
A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,
O = Ongoing non-compliance, not scored.

Number of breaches recorded	0	Total compliance score (see section 5 for scoring scheme)	0
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If the Number of breaches recorded is greater than zero, please see Section 3 for 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 (eg. 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 advice given
- Any other areas of concern
- Any 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

NRW has reviewed the monitoring requirements for emissions to air from the installation. Currently there are three permitted air emission points (A1 – A3) for the three boilers at First Milk Cheese Haverfordwest.

The operator has queried the periodic monitoring that is needed at these emission points following the conversion of the boilers from fuel oil to natural gas.

Monitoring of emissions to air - background

In CAR 5846 issued in July 2015 we confirmed the following in relation to emissions from A1, A2 and A3:

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.

Section 3.5 and Schedule 3 Table S3.1 of the permit currently require the operator to conduct annual monitoring at these emission points for: Oxides of Nitrogen as NO₂, Total Particulates and Sulphur Dioxide (SO₂). This monitoring needs to be carried out in line with MCERTS and the monitoring standards outlined in Table S3.1.

MCERTS is the Environment Agency (EA)'s Monitoring Certification Scheme for England and Wales. It provides the framework for businesses to meet quality requirements. Compliance with MCERTS gives environmental regulators confidence in the monitoring of emissions to the environment.

Since the fuel conversion was completed from fuel oil to natural gas, the operator has asked NRW if it remains necessary, useful and cost-effective to carry out the full suite of monitoring as outlined in Table S3.1. Natural gas from the UK National Grid is pre-filtered and contains low levels of sulphur. Levels of particulates and SO₂ should now be much lower compared to when the boilers were fired using fuel oil.

Monitoring of emissions to air – proposed approach

First Milk Cheese's permit has been written to provide a measure of environmental protection by requiring monitoring of boiler emissions to air on an annual basis. The minimum that is normally required for similar combustion plant is an annual NO₂/NO_x test.

Other substances may need to be monitored depending on the type of fuel that is burnt. Table S3.1 was originally written to cover key substances emitted from the combustion of fuel oil in the three boilers.

Without any air (stack) monitoring in place, the operator cannot benchmark its boiler emissions against relevant environmental standards. Without any monitoring at all, First Milk Cheese could be in a weaker position when new environmental legislation is introduced e.g. [EC Medium Combustion Plant Directive](#). The MCPD includes emission limit value benchmarks for NO_x, SO₂ and particulates.

The MCPD must be transposed into UK legislation by 19 December 2017. NRW's current approach is 'business as usual' following the UK's EU Referendum result, so we are assuming the MCPD will be transposed into UK law by 19/12/17 unless we (and industry) are told otherwise.

The inspecting officer has obtained further technical advice within NRW regarding the monitoring for First Milk Cheese's combustion plant and is able to propose the following regulatory approach going forward:

- Annual stack emissions monitoring for Oxides of Nitrogen as NO₂ must be retained at emission points A1, A2 and A3. Best Available Techniques (BAT) emission levels for NO₂/NO_x are <100 mg NO_x/m³ at 3% O₂.
- NRW agrees that the requirement to monitor SO₂ and Total Particulates can be dropped at emission points A1, A2 and A3.
- An annual stack test for Carbon Monoxide (CO) is recommended at A1, A2 and A3 as this would help inform the operator about boiler performance and efficiency.
- Annual stack testing must be done to MCERTS certification and accreditation standards, as specified by permit condition 3.5.3, until such time as NRW has sufficient baseline data to demonstrate boiler emissions are achieving BAT (see above). If the operator can show BAT is being achieved, NRW is willing to consider

a different, less onerous monitoring approach.

- NRW can initiate a permit modification to remove SO₂ and Total Particulates from Table S3.1 as part of the next variation. In the meantime the operator may treat this CAR as our agreement to reduce the annual air monitoring requirements to Oxides of Nitrogen as NO₂ only.
- The operator should compare the annual stack testing results with any obtained during routine boiler maintenance. These findings could be included in the annual interpretative review required by permit condition 4.2.2(a).

First Milk Cheese is asked to confirm it is in agreement with this proposed approach by contacting the inspecting officer at NRW's Llandarcy office.

Further information

Stack testing for emissions can be a complex area and is important to make sure that the equipment, techniques, personnel and organisations that are employed to carry out such work are appropriately qualified and certified. The Environment Agency's MCERTS scheme provides a framework within which environmental measurements can be made in accordance with the required standards. There is further information and guidance about MCERTS and stack testing requirements available on the gov.uk website: <https://www.gov.uk/government/collections/monitoring-emissions-to-air-land-and-water-mcerts>

Operators can check if stack testing personnel or companies have the necessary 'SIRA' certification for MCERTS using the CSA Group's website: <http://www.csagroupuk.org/services/mcerts/>

[ENDS]

EPR Compliance Assessment Report

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Section 3 – Enforcement Response

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.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			

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 verbally or 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 that 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 the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The 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 (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The 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

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this reports 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 officer's line managers using the informal appeals procedure. 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 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.