

Compliance Assessment Report CAR_NRW0040851

Permit being assessed: BL9941IC.

For: Pwllheli Creamery EPR/BL9941IC, held by SOUTH CAERNARFON CREAMERIES LTD

At: Rhyd-y-Gwistl , Chwilog, PWLLHELI, Gwynedd, LL53 6SB.

Type of assessment carried out: Audit, Reason: Other.

On 07/12/2022 between 10:00 and 13:00.

Parts of permit assessed: 2,4, Improvement Programme, Table 1. Schedule 1.3

NRW Lead Officer: Anthony Roberts.

Report sent to: Elwyn Jones, Compliance Manager on 23/12/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B1 - Infrastructure - Engineering for prevention and control of emissions	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
0	0

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?

No action required.

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

Food, Drink and Milk BRef. - Improvement Condition 25

Secondary and Tertiary Containment Plan for South Caernarfon Creamery; Effluent Treatment Plant

Site Meeting and Inspection 07th December 2022

Present: T Roberts NRW, Elwyn Jones, Gwyn Jones. SCC

The Food, Drink, and Milk BRef requires an improvement programme to be undertaken by installations falling into this category. South Caernarfon Creamery have submitted a risk assessment and a detailed plan for secondary and tertiary containment of the new effluent treatment plan for the protection of the nearest receptor of note the Afon Erch.

This condition was added as a result of the European Union BRef Review Process which requires NRW to review permits and add conditions relating the Food Drink and Milk sector, this is something that NRW statutorily must do.

The permit was then varied, and this improvement condition was included in the new permit dated 09/06/2022.

A site meeting and inspection was conducted on Wednesday the 7th of December to discuss the plan and progress towards compliance with the improvement programme.

The condition and improvement programme are reproduced below:

2.4 Improvement programme

2.4.1 The operator shall complete the improvements specified in **schedule 1 table S1.3** by the date specified in that table unless otherwise agreed in writing by Natural Resources Wales.

Table S1.3 Improvement programme requirements:

The operator shall submit a written 'secondary and tertiary containment plan' for the upgraded Effluent Treatment Plant and shall obtain the Natural Resources Wales written approval to it. The plan shall contain the results of a review conducted, by a competent person, in accordance with the risk assessment methodology detailed within CIRIA C736 (2014) guidance, of the condition and extent of secondary and tertiary containment systems where all potentially polluting liquids and relevant solids are being stored, treated, and/or handled within the Effluent Treatment Plant. The review shall consider, but not be limited to, the effluent storage and treatment vessels, chemical reagent storage vessels, bunds and transfer pipework/pumps. The plan must contain dates for the implementation of individual improvement measures necessary for the secondary and tertiary containment systems to adhere to the standards detailed/referenced within CIRIA C736 (2014) guidance and How to comply with your environmental permit (2014) guidance, or equivalent. The plan shall be implemented in accordance with the Natural Resources Wales written approval.

The operator shall complete the improvements specified in schedule 1 table S1.3 (IC 25.) by the date specified in that table unless otherwise agreed in writing by Natural Resources Wales.

The Improvement condition requires the following:

As in the condition reproduced above, the operator shall submit a written 'secondary and tertiary containment plan' for the upgraded Effluent Treatment Plant and shall obtain the Natural Resources Wales written approval to it.

Risk Assessment and Secondary and Tertiary Containment Plan

The plan and risk assessment submitted contain the elements required in the improvement condition and a cost benefit analysis of the proposed potential actions or the current arrangements which comply with the relevant risk phrases using the source-pathway-receptor model.

Subsequently to this a secondary and tertiary containment Plan has been submitted in accordance with IC 25. Proposals include:

- Adaptation of the earth mound located opposite the ETP and extend with earth embankments both to the left and right of the mound.
- This was discussed during the site visit and would provide secondary protection whilst the design and installation of the proposed CIRIA compliant bunding scheme is constructed over the agreed time frame. This structure would then form a tertiary barrier between the newly bunded ETP are and the river.
- Proposals for the secondary containment of the ETP will be in the form of a solid reinforced wall enclosing an area including all the balancing tanks, sludge tanks and pipework with reinforced concrete at ground level.
- The size of the bund area, and the bund wall heights, has been determined to allow for a minimum holding capacity equal to 110% of the largest balance tank normal volume as per CIRIA 736 guidance.

Timescales

The timescale for completion of the tertiary containment will be six months from the NRW approval of this plan.

The timescale for full completion of the secondary bunding will be five years. Works will be spread out over the five years to spread the capital cost.

Conclusion and Actions

These proposals and plans as submitted were agreed as compliant with the requirements of the above improvement condition if implement in full to the agreed timescales and specifications

Please submit a more detailed proposal of the engineered secondary containment programme in the form of a timeline of works or GANTT chart as required by IC 25.

Any development works with the earth bank should be fully compliant with flood engineering requirements. The statements included in the plan appear to comply with this requirement please provide any additional evidence available to ensure this is the case.

Once the above actions are complete NRW will respond with written approval that the requirements of IC 25 have been met by the Operator.

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.