

Compliance Assessment Report CAR_NRW0041277

Permit being assessed: XP3830UR.

For: Haverfordwest Creamery, held by The First Milk Cheese Company Ltd

At: Haverfordwest Creamery Pembroke Road , Merlins Bridge, HAVERFORDWEST, Dyfed, SA61 1JN.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 31/12/2022.

Parts of permit assessed: Annual Returns, Incident response

NRW Lead Officer: Richard Taylor.

Report sent to: Neil Shawcross, Safety, Health and Environment Manager on 20/02/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E3 - Emissions - Surface water	C3 Minor	3.1.2
E3 - Emissions - Surface water	Ongoing (O)	3.1.2
E3 - Emissions - Surface water	Ongoing (O)	3.1.2
E3 - Emissions - Surface water	C3 Minor	3.1.2
E3 - Emissions - Surface water	C3 Minor	3.1.2
E3 - Emissions - Surface water	C3 Minor	3.1.2
E3 - Emissions - Surface water	C3 Minor	3.1.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4 No impact	1.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.3.1

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

Total number of non-compliances recorded	Total non-compliance score
10	24.4

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
E3	Return to permit compliance limits	Already completed
E3	Ensure ELV exceedances continue to be reported via Schedule 5 notifications regardless of uncertainty level.	Already completed
E3	As above	Already completed
E3	Return to permit compliance limit for next 6 monthly monitoring returns	30/06/2023
E3	Return to permit compliance limits for next 6 monthly monitoring returns	30/06/2023
E3	Return to compliance limits in next reporting return	30/06/2023
E3	Return to compliance limits by next monitoring results	30/06/2023
G4	Forward the monitoring results to NRW in accordance with the permit conditions on a timely basis but before the annual reporting deadline of 31st Jan	31/03/2023
G4	Ensure the emissions are quantified and sent with the annual reporting before the 31st Jan each year.	31/03/2023
C2	Site Review of actions to take place at next site inspection due April 2023	30/04/2023
G1	Ensure enough contingency is built into booking air quality monitoring contractors in time to meet the reporting deadlines	30/06/2023
G4	Ensure NRW are formally informed via schedule 5's	31/03/2023

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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

The First Milk Cheese Company Ltd

Permit XP3830UR (Currently V006 WEF 8th Apr 2022)

Annual reports Review for 2022 reporting year

1.0 Actions from Previous CAR forms

The last CAR form issued by NRW for the site was on 27th June 2022.

This laid down 3 actions for the site to complete with deadlines applied.

<p>Action 40259/01</p> <p>Improve chemical storage area IBC's</p>	<p>Due – 18 Nov 2022</p> <p>Site reported that ferric chloride is no longer used on site.</p>	<p>Updates were received after NRW request on 31 Jan 2022. The area will be subject to an inspection at the next site visit. The request was for an assessment of the area against NRW 'How to comply' guidance v8 p30. The permit condition specific to this point is 3.2.3. This will form the basis to evaluate the sites storage against.</p>
<p>Action 40259/02</p> <p>Confirm existing drainage arrangements and identify options</p>	<p>Due – 18 Nov 2022</p> <p>Site reported that the S and E boundaries do not have surface drains. Site is evaluating installing kerbing for the area. Site reported that there is no history of spillages in the area and that it is manned so quick leak detection is in place.</p>	<p>Area will be reinspected at the next NRW visit. The measures site intends to take are reactive rather than proactive. The previous inspector identified an increased risk of spills following the addition of the DAF plant and pipework. The intended response requires more work so that site is not reacting to spills after they have happened but instead managing the risk of them before they occur.</p>
<p>Action 40259/03</p> <p>Supervised use of carbon filter in sludge transfer, update to log sheet and periodic checking of transfers for accuracy.</p>	<p>Due 30 Sep 2022</p> <p>Site reported that the tanker logs have been adjusted. Sludge transfers are supervised.</p>	<p>The improvements made will be attempted to be viewed at the next inspection due Apr 2023. The paperwork changes will be viewed as a minimum if there are no sludge loads.</p>

2.0 Reports Received

Site have submitted the following forms during 2022.

- Water 1 for Jan – June inclusive.
- Water 1 for Jan to Dec inclusive

In W1 from Jan – June inclusive there were ELV exceedances reported for W2 BOD on 13th March with a maximum reading of 229mg/l against a permit limit of 40mg/l from a 24-hour composite sample. The 95%ile limit was also breached with 24mg/l against 20mg/l. However, the latter is discounted after applying the uncertainty figure of 23.6%.

Total suspended solids marginally breached the limit with 61mg/l against 60mg/l but is also discounted after applying the uncertainty figure of 33.3%. All permit breaches are listed but where the uncertainty figure is added, and the results are under the permit limit these are listed as a breach of limit, but no score is applied.

There is one scoring noncompliance's to permit condition(pc) 3.1.2 for a breach to the maximum BOD limit

taken on 13th March 2022 at W2. The breach is evaluated as having the potential to have a minor effect the environment.

Action 1 – A noncompliance against pc 3.1.2 is issued for an exceedance of BOD limits with a maximum reading of 229mg/l against an ELV of 40mg/l at W2 on 13th March 2022

Cat 3 – 4 points

An exceedance to the pc 3.1.2 BOD 95thile limit of 20mg/l with a reading of 24mg/l is also listed for 13th Mar 2022 but no score is applied due to addition of the measured uncertainty value of 23.6%.

Uncertainty applied – 0 points

An exceedance to the pc3.1.2 Maximum total solids limit of 60mg/l with a reading of 61mg/l on 13th March 2022 with an uncertainty figure of 33.3% applied.

Uncertainty applied – 0 points

From the Water 1 report (Jan – Dec inclusive), there were exceedances in Maximum BOD, 95thile BOD, Maximum suspended solids, 95thile solids, Ammonia Max, 95thile Ammonia Total phosphates, 95thile phosphates all from 23rd Nov 2022. Site did issue a schedule 5 notification to NRW for the breaches. Site have instigated a management plan following the release of caustic soda which triggered to eventual permit limit breaches. We have taken into account the sites responses, the action plan, and the report by Aqua operations from 20th November 2022 which included a study on the effects the ELV exceedances the releases may have had.

These constitute 8 noncompliance's to the ELV limits at 3.1.2 and are scored against NRW ccs guidance.

Action 2 - A combined noncompliance against pc 3.1.2 is issued for an exceedance of BOD limits with a maximum reading of 502mg/l against an ELV of 40mg/l at W2 on 23rd November 2022 and a 95thile treading of 179.75mg/l against a limit of 20mg/l. The uncertainty of 23.6% is considered. This is a noncompliance level with the potential to have a minor environmental effect.

Cat 3 – 4 points

Action 3 – A combined noncompliance against pc3.1.2 is issued for an exceedance of TSS limits with a maximum reading of 1400 mg/l against an ELV of 60mg/l at W2 on 23rd November 2022 and a 95thile treading of 237.1 mg/l against a limit of 30 mg/l. The uncertainty of 33.3% is considered. This is a noncompliance level with the potential to have a minor environmental effect.

Cat 3 – 4 points

Action 4 - A combined noncompliance against pc3.1.2 is issued for an exceedance of Ammonia limits with a maximum reading of 27.5 mg/l against an ELV of 10mg/l at W2 on 23rd November 2022 and a 95thile treading of 8.13 mg/l against a limit of 3.5 mg/l. The uncertainty of 18% is considered. This is a noncompliance level with the potential to have a minor environmental effect.

Cat 3 - 4 points

Action 5 - A combined noncompliance against pc3.1.2 is issued for an exceedance of Total phosphate limits with a maximum reading of 10.9 mg/l against an ELV of 5mg/l at W2 on 23rd November 2022 and a 95%ile treading of 3.42mg/l against a limit of 3,0 mg/l. The uncertainty of 3.4% is considered. This is a noncompliance level with the potential to have a minor environmental effect.

Cat 3 – 4 points

Annual Water Usage1 report pc 4.2.2

Site submitted details of the potable water, non-potable water, and annual cheese production through on time.

Annual Energy1report pc 4.2.2

Site submitted annual figures for electricity and gas. The 2.4 conversion factor was used to calculate electricity losses in transmission. A figure of 1.22 was used to convert delivered gas to primary energy.

Performance1 form pc4.2.2

Site reported zero emissions of refrigerants from the site, and that all R22 sources have been replaced with an alternate product. The next site inspection will include an update on what refrigerant gas is used and if this complies with the FGAS regulations.

Site used a conversion factor of 1.035 to convert litres to tonnes as the specific gravity factor.

3.0 Reports not received on time.

- **Table S4.3 – Performance parameters.** NRW have not received an evaluative report on the monitoring results. Site to forward a report to satisfy this condition as soon as practicably possible, but before the deadline of 1st April 2023.
 - (a) A review of the results of the monitoring and assessment carried out in accordance with the permit **including an interpretative review of the data.** This is a noncompliance scored below.
 - **Air 1** – This report was due during 2022 with the last date for submission at 31st Jan 2023. To date (20th Feb) site have not issued the report. UPDATE 20 FEB 2023 - site have now submitted the report on 20th Feb at 14.32 hrs). As the form is overdue from Jan 31st 2023 a noncompliance to permit condition 4.2.1. still exists. Site did carry out a monitoring round on Jan 24th 2023. However this was scheduled too late to be included in the 2022 reporting year. Site needs to schedule in air quality contractors with enough contingency left in the reporting period if things go wrong which is reportedly what happened with the A4 stack. Site reported that this was unable to be measured on the day due to a fault. The result is that site did not build sufficient time into the monitoring to measure A4 stack This is the only stack on site carrying compliance limits in the permit. Under the permit Schedule 3(a) (effective until 3rd Dec 2023) Emissions to Air – are due annually for A1, A2, A3 and A4 emission points. A4 carries permit limits for Nitrogen. The reporting deadline is 31st January. The others have no set limits but must be measured periodically and reported annually. The reporting deadline for submissions is January 31st. As site has not made the deadline for the reporting period a noncompliance against pc 3.1.2 is issued along with

noncompliance's for management of the air quality contractors visiting schedule and not notifying NRW by schedule 5 form that the monitoring had been missed for 2022 and had been rescheduled for Jan 2023.

Action 6 – NRW impose a noncompliance to pc4.2.2 for non-submittal of the air quality results from 2022 monitoring before the Jan 31st, 2023, deadline. This is a noncompliance without an environmental effect.

Cat 4 – 0.1 point

Additionally we add a Cat 4 noncompliance to pc 1.1.1 for not scheduling monitoring contractors to meet the permit reporting deadlines

Cat 4 - 0.1 point

We also add a noncompliance to pc 4.3.1 for not reporting the missed air quality samples to NRW via a schedule 5 reporting form.

Cat 4 - 0.1 point

- **Action 7.** Table S3.3 Annual Limits – for Mercury and cadmium weights with their compounds. These carry permit limits and must be calculated by mass balance and reported annually. The report has not been received. This is a noncompliance to reporting conditions under 4.2.2 and carries a Cat 4 rating.

Cat 4 – 0.1 point

4.0 Schedule 5 Notification – Caustic Soda incident 20th Nov 2022.

The effect on W2 ELV's for this incident have been given noncompliance scores as listed above. However, NRW trace incidents back to the root cause as standard practice. After examining the schedule 5 notification from site from 20th Nov 2022 the resulting effluent for the day was quantified as 1417m³ and contained elevated levels of Phosphates, Ammonia, BOD and TSS.

This was a result of caustic soda entering the ETP which effected the balance of macrobacteria and their ability to process the effluent. Site underwent a management plan with NRW and carried out river modelling. This concluded that the effluent was not strong enough to cause harm in the local River Cleddau watercourse at the levels released.

NRW have applied noncompliance's to the ELV limits breached on 23rd November, but the root cause was a management system failure which allowed this quantity of caustic into the ETP. The next site inspection will review the case and determine the steps which occurred to produce this event and examine if there are any more measures need to ensure that the incident cannot be repeated. NRW will review the site training records of operating staff, the management chain at site, and the notification process in place plus contingency plans and exercises.

A noncompliance to Management condition 1.1.1 is applied for allowing a high level of caustic soda to be present in the ETP. At the time of writing this is given a level corresponding to a minor noncompliance with the potential to have a minor environmental effect. However, other noncompliance's may be levied against the site when the event is reviewed at the next site inspection.

Action 8 – NRW impose a Cat 3 noncompliance to management permit condition 1.1.1(a) which allowed a high quantity of caustic soda into the effluent treatment plant on 20th Nov 2022.

Cat 3 – 4 points

.....
Next site inspection April 2023

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.