

Compliance Assessment Report CAR_NRW0041890

Permit being assessed: CG0408201

For: Knolton Farmhouse Cheese Limited, held by Knolton Farmhouse Cheese Limited

At: Oswestry Road, Overton, LL13 0LG.

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

On 13/06/2023, between 10:00 and 12:00.

Parts of permit assessed: All

NRW Lead Officer: Callum Brannan, accompanied by: Libby Hughes.

Report sent to: Stuart Latham, Director , on 06/07/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-C1 - Emissions and monitoring - Emissions to water	C3 Minor	3.1 Emissions to Water
WQ-C1 - Emissions and monitoring - Emissions to water	C3 Minor	3.1 Emissions to Water
WQ-C1 - Emissions and monitoring - Emissions to water	C3 Minor	3.1 Emissions to Water
WQ-C1 - Emissions and monitoring - Emissions to water	C4 No impact	3.1 Emissions to water
WQ-C1 - Emissions and monitoring - Emissions to water	C1 Major	3.1 Emissions to Water
WQ-C1 - Emissions and monitoring - Emissions to water	C4 No impact	3.1 Emissions to Water
IR2E - Operations - Improvement programme	C3 Minor	2.4 Improvement Programme

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

2. What action is required?

Criteria	Action needed	Complete by
WQ-C1	Following the Aluminium fail on 10th November 2022 Improve operations	Already completed
WQ-C1	Following the aluminium fail on 19th January 2023 Bring discharge back into compliance	Already completed
WQ-C1	Following the aluminium fail on 14th February 2023 Bring discharge back into compliance	Already completed
WQ-C1	Following the BOD fail on 28th February 2023 bring the discharge back into compliance.	Already completed
WQ-C1	Following the aluminium fail on 2nd May 2023 Bring discharges back into compliance	Already completed

Criteria	Action needed	Complete by
WQ-C1	Following the Suspended solids fail on 2nd May 2023 bring the discharge back into compliance..	Already completed
IR2E	Improvement Conditions 1 and 3 have not yet been satisfactorily resolved. Please provide answers to our queries in the main body of text below regarding these points.	21/07/2023

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

Dear Stuart Latham and Matt Carnell,

Thankyou for showing Callum Brannon and Libby Hughes around the site on 13th June 2023. It was a useful exercise in gaining a better understanding of how the site operates.

As background; an incident occurred on 28th February affecting the River Dee SAC. NRW Officers Libby Hughes and Richard Smith traced "foam bergs" back to the Knolton outfall. Samples were taken at the outfall, which subsequently showed that suspended solid levels exceeded the permitted discharge level. It was also noted that the sample was noticeably warm, although the temperature was not recorded. In the course of investigating this incident, it was found that several other non-compliances had occurred in the routine samples:

10 Nov 2022 - Aluminium levels were 1630 ug/l. The threshold is 1000 ug/l. This is a Compliance Condition Score (CCS) of 3.

19 Jan 2023 - Aluminium levels were 1880 ug/l. This is a CCS3.

14 Feb 2023 - Aluminium levels were 1390 ug/l. Again this is a CCS3.

28 Feb 2023 - Incident Response sample taken at the river outfall - Biological Oxygen Demand (BOD) levels were 78.4 mg/l. The permitted threshold is 50 mg/l. - CCS4.

Sampling was not carried out for aluminium on this occasion. It was also noted by officers attending that the sample was warm and smelt of milk, although the actual temperature was not measured.

On 14th March you confirmed to NRW via e-mail that on the 28th February 2023 you had carried out an investigation and had found that the distilled water from the evaporator, which you know as condensate, had been contaminated with a small proportion of milk due to a small pinhole in some of the pipework. Following this you immediately switched the condensate, which is around 30 degrees Centigrade, from direct discharge to river, to be treated through the effluent treatment system.

On 2nd May you told us that your external lab test results for Aluminium were recorded as

1.5 ug/l for a sample taken on 16 Feb, which is far below the permitted level. This is in contrast to NRW's routine sample of 14th Feb.

On May 10th a Site Audit was arranged for 13th June. On 2nd June the results were received for the routine sampling which took place on 2nd May, and were immediately forwarded to yourselves at Knolton Farmhouse Cheese:

2 May 2023 - Sample - Suspended Solids levels were 68 mg/l. This is a CCS4

2 May 2023 - Sample - Aluminium levels were 5230 ug/l. This is a CCS1.

Within a week you confirmed to us that you had queried your results with your external lab, and that they had been mis-recording the units as micrograms/litre instead of milligrams/litre.

On June 13th NRW officers Callum Brannon and Libby Hughes visited Knolton Farmhouse Cheese for a discussion of the above issues, and for a site visit. All routine sample failures were discussed. You confirmed that you are now testing in-house daily both for Aluminium and Chemical Oxygen Demand (COD), and that staff training is on-going so that several members of staff will be proficient in daily testing and adjusting the dosage of the aluminium as required. This will ensure a more accurate monitoring of the effluent, and the dosing requirement.

Please submit to NRW any on-site results which you have for the weeks before and after May 2nd, the day the high levels of Aluminium were found in the sample, by July 21st. Moving forwards, please forward to us a copy of your daily readings from the beginning of June onwards, on a monthly basis.

As a result of the recent failures NRW have increased routine sampling to include upstream and downstream monitoring of the River Dee.

Please forward to NRW a copy of your written procedure for daily on-site testing of the Aluminium, which should include an escalation procedure, and a plan for when the tests are showing levels to be out of compliance by July 21st.

The site discussion included permit improvement conditions, which includes the requirement for an off-site sampling point. Can you give us a guarantee that the existing sampling point is now representative of everything that is going off-site to the river? Will the condensate remain as going through the effluent plant going forwards? If you are able to confirm this in writing by July 21st then we may be prepared to accept that an off-site sampling point may not be needed.

Immediately following the site visit Libby Hughes and Callum Brannan went down to the discharge point at the river, but were unable to gain access due to height of the vegetation. Are you able to provide surety that the Discharge point should be accessible at all times, and liaise with the landowner if necessary to enable this to happen.

There is another Improvement Programme requirement to update the Environmental Management System (EMS). The latest version held by NRW is dated October 2019. Can you confirm to NRW that this has been carried out? Please forward the most recent version of the EMS for our records by July 21st.

I am happy to confirm that two further improvement programme requirements set out in your Permit have been met; you have provided NRW with a report outlining the improvements made in the discharge pipe, and you supplied an MCERTS certificate for the flow monitor at the same time.

During our visit you expressed an interest to vary your permit to increase the maximum temperature permitted at discharge. It is possible to apply online via the NRW website for pre-application advice using the following link [Natural Resources Wales / Pre application advice for environmental permits](#) It would be an opportunity to find out whether or not your proposals might be acceptable, before committing to the expense of a permit variation.

Thank you for your co-operation during the investigations following the incident in February and during the visit on 13th June.

If you have any further issues or queries about anything in this form, please raise them with your Environment Officer Callum.Brannan@cyfoethnaturiolcymru.gov.uk

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 to 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
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend non-compliance for up to six months to allow time for remedial action to be taken. These will be re-instated if the action is not completed.

Full list of water quality action criteria (used in section 1 and 2):**WQ A: Management**

- WQ-A1 General management

WQ B: Operations

- WQ-B1 Permitted activities
- WQ-B2 The site
- WQ-B3 Operating techniques
- WQ-B4 Improvement programme
- WQ-B5 Pre-operational conditions

WQ C: Emissions and monitoring

- WQ-C1 Emissions to water
- WQ-C2 Emissions to land
- WQ-C3 Emissions of substances not controlled by emission limits
- WQ-C4 Installation of monitoring boreholes

WQ D: Information

- WQ-D1 Records
- WQ-D2 Reporting
- WQ-D3 Notifications

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.