

Compliance Assessment Report CAR_NRW0042909

Permit being assessed: CB3091HY.

For: Llangadog Pet Foods Plant, **held by:** United Petfood UK Limited

At: Tywi Valley Food Park, Station Road, Llangadog, SA19 9LY.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 30/11/2023.

Parts of permit assessed: Emissions and monitoring, Information..

NRW Lead Officer: Benjamin Taylor.

Report sent to: Zoë Nugent, Chris Moore, Environmental Coordinator, Head of Technical, on 04/12/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2 - the limits given in schedule 3 shall not be exceeded.
IR4B - Information - Reporting	Assessed (A)	
IR4C - Information - Notification	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
1	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
IR3A	If the operator cannot comply with 1000 m ³ /day discharge limit and continues to exceed its parameters, a permit variation needs to be applied for to increase the daily discharge limit (see compliance comments).	01/03/2024

Compliance 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.

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

This Compliance Assessment Report (CAR) is an assessment of the monitoring results and compliance notifications for Quarter 3 (Q3) July to September 2023 by United Petfoods UK Ltd (the operator). This is for activities at Unit 1 Tywi Valley Food Park, Station Road, Llangadog, Carmarthenshire, SA19 9LY under permit number CB3091HY.

Permit Compliance

For assessment activities taking place from the start of 2023, emission limit breaches from the associated non-compliance scores will be consolidated when:

- exceedances have occurred at different monitoring points;
- breaches have occurred within the same monitoring period;
- breaches have occurred for the same emission parameter with a limit.

Table S3.2 of Schedule 3(a) to the environmental permit is partially reproduced below, showing parameters relevant to this compliance report:

Table S3.2 Point Source emissions to water (other than sewer) and land – emission limits and monitoring requirements

Emission point ref. & location	Source	Parameter	Limit (including unit)	Reference period	Monitoring frequency	Monitoring standard or method
S1	Effluent Treatment Plant (ETP)	Maximum daily discharge volume	1000 m ³ /day	Total Daily volume	Continuous	MCERTS certified flow meter

Table 1: Extract of Table S3.2 from Permit CB3091HY

To maintain compliance with the Operator's environmental permit, emission levels specified above shall not be exceeded as stated in condition 3.1.2 - *the limits given in Schedule 3 shall not be exceeded.*

Q3 2023 Monitoring Returns

Releases to Water (Form: Water1/ 04/03/2021)

The returns for reporting of sampling and analysis of emissions to water (other than sewer) for the period Q3 2023 were submitted on 13th of October 2023.

This data was sent within the reporting period (28 days), which is **compliant** with permit condition 4.2.3.

Schedule 5 Notifications – Q3 (01/07/2023 - 30/09/2023)

The Operator submitted three Schedule 5 Notifications throughout Q3 2023, relating to ten exceedances of the maximum daily discharge volume (treated effluent) limits at emission point S1 on the site plan in Schedule 7 to the Afon Tywi.

Date	Time	Parameter	Measured Value
July			
11.07.2023	23:57	Maximum Daily Discharge Volume	1027.42m ³
18.07.2023	23:57	Maximum Daily Discharge Volume	1079.45m ³
19.07.2023	23.57	Maximum Daily Discharge Volume	1112.85m ³
24.07.2023	23.59	Maximum Daily Discharge Volume	1000.49m ³
26.07.2023	23.57	Maximum Daily Discharge Volume	1195.69m ³
August			
10.08.2023	23:57	Maximum Daily Discharge Volume	1023.79m ³
14.08.2023	23:59	Maximum Daily Discharge Volume	1032.37m ³
September			
10.09.2023	23.57	Maximum Daily Discharge Volume	1011.85m ³
20.09.2023	23.57	Maximum Daily Discharge Volume	2770.55m ³
21.09.2023	23.59	Maximum Daily Discharge Volume	1338.18m ³

Table 2: List of exceedances of permitted level noted within Q3

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Increased Production

The exceedances of the permitted limit observed on the 19th of July 2023 and 10th of August 2023 were reported as the result of an increase in factory production, which led to greater volumes of water discharged into the Afon Tywi. An example provided by United Petfoods illustrated that on the 19th of July 2023 the factory was producing 1200g canned products, which cooks for longer and requires a greater cooling cycle.

Rainfall

The remaining events have been attributed to periods of heavy rainfall. It is the understanding of NRW, that all site drainage including rainwater (excluding rooftop downpipes) is treated by the ETP and subsequently discharged through the MCERTS flow meter at S1.

The significant exceedance observed on the 20th of September 2023 was reported to be the result of the floodwater entering the site drainage infrastructure, after the Afon Twyi breached its banks during a period of prolonged heavy rainfall.

The operator has carried out investigations into reusing and reducing water usage, in an effort to continually meet the discharge limits.

Permit emission limits - Table S3.2 point source emissions to water dictates that:

Maximum daily discharge volume shall not exceed:

- **1000 m³/day**

Non-Compliance Scoring

In accordance with NRW's compliance scoring guidance, a non-compliance score of *C3 (potential to have a minor or minimal impact or effect on the environment, people and/or property)* has been recorded against sub-criteria IR3A for breach of permit condition 3.1.2.

In accordance with non-compliance scoring guidelines, the non-compliance scores for the breaches during Q3 2023 reporting period have been consolidated into one non-compliance score

Based on the reports submitted by the operator, all other emissions at the monitoring point S1 appear **compliant** with the specified emission limits over the Q3 reporting period.

Water Control Procedure

United Petfoods submitted a document outlining the procedures for the following events:

- High Rainfall
- Contaminated Production Water
- Emergency diversion in the ETP

In addition, the documents show the efforts made to reduce and recycle water used within its processes.

Rainfall

The entrance to the Site is fitted with solid metal panelled floodgates, which in the event of high rainfall events (with potential to cause flooding) are closed by onsite engineers. All incoming Site traffic is diverted to the rear entrance to the Site during these events. Due to the required ground clearance of the gate (to allow opening/closing), a 7m linear drainage channel is installed to intercept floodwater before it enters the catchment area of the yard.

The water that enters the drainage channel, is directed into the V-Notch chamber, subsequently passing through the MCERTS flow meter prior to discharge to the Afon Twyi (S1).

Water Reduction

The Site has adopted a reduced water programme, which incorporates the following:

- The Site recycles retort cook water, storing it in silos (9m³ and 50m³) for usage in factory cleaning activities.
- Closure of valves associated with hoses and hot water tanks when not in use.
- Currently developing a glycol recirculation system for Retorts.

Compliance Comments

It is apparent that there has been repeat non-compliance of condition 3.1.2 throughout 2023 to date from exceeded discharge volumes (as previously reported in CAR_NRW0042519). The operator should ensure that the necessary control measures are implemented to prevent reoccurrence of this permit breach.

The operator applied for a variation in the permit (CB3091HY), increasing the maximum permitted discharge to 1820m³/day. This was rejected by NRW due to the operator's inability to comply with the BAT AEL of Total Phosphorus (2mg/l), which comes into effect on 4th of December 2023. Changes to the maximum permitted discharges are from guidelines contained within BAT conclusion 12 of the Food, Drink and Milk Industries BRef Document (EU 2019).

Action

If the operator cannot comply with 1000 m³/day discharge limit and continues to exceed its parameters, a permit variation needs to be applied for to increase the daily discharge limit. For this action to be completed, the operator will need to demonstrate compliance of the 2019 BAT-AEL for Total Phosphorus.

If you have any issues with this report, please contact Senior Regulation Officer Ben Taylor at Benjamin.Taylor@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 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.

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

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 compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.