

## Compliance Assessment Report CAR\_NRW0042858

**Permit being assessed:** WP3231NB.

**For:** The Creamery , **held by:** Dairy Partners (Cymru Wales) Limited

**At:** Aberarad, Newcastle Emlyn, Carmarthenshire, SA38 9DQ.

**Type of assessment:** Report/Data Review,

**Reason:** Routine.

**On:** 17/11/2023 - 06/12/2023.

**Parts of permit assessed:** Condition 2.4.1, Table S1.3, Improvement Condition 18.

**NRW Lead Officer:** Kirsty Thomas.

**Report sent to:** John Potter, HSE Lead, on 14/12/2023.

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

| Part of permitted activity assessed (compliance criteria) | Assessment result | Permit condition |
|-----------------------------------------------------------|-------------------|------------------|
| IR2E - Operations - Improvement programme                 | Assessed (A)      |                  |

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

| Total 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

### **Improvement Condition 18 – Environmental Management System (BAT 1)**

Condition 2.4.1 from the permit variation EPR/ WP3231NB/V005 states; “The operator shall complete the improvements specified in schedule 1 table S1.3 (improvement programme requirements) by the date specified in that table unless otherwise agreed in writing by Natural Resources Wales.” The improvement condition 18 in schedule 1 table S1.3 specifies:

|      |                                                                                                                                                                                                                                                                                                                                          |                                                                                   |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| IC18 | <p>The Operator shall review and update (where required) their Environment Management System to include all the requirements as stated in BAT Conclusion 1 of the Food, Drink and Milk Industries BRef Document (EU 2019).</p> <p>A copy of the reviewed and if applicable revised EMS shall be provided to Natural Resources Wales.</p> | <p>4 October 2023 or otherwise agreed in writing with Natural Resources Wales</p> |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|

The operator submitted ‘*Dairy Partners NRW BATC Return Summary Spreadsheet 04102023*’ to discharge the requirements of improvement condition 18 (IC18). The spreadsheet contained a summary of how the site complied with the BAT conclusions for BAT1 Environmental Management System (EMS) (a copy of the full EMS was not provided).

There are several parts to BAT conclusion 1 to be complied with. Following an initial review of the information provided, it was determined that further detailed descriptions/information was required. Therefore, NRW sent a response letter requesting additional information. NRW response letter was sent on the 23<sup>rd</sup> of October 2023 titled “*Dairy Partners - IC18 NRW Response 23.10.2023*”. NRW also requested further information regarding previously incomplete responses for BAT 2 (Efficiency) and BAT 6 (Energy Efficiency).

The operator provided updated information to NRW on the 30<sup>th</sup> of October 2023, including:

- *Dairy Partners NRW BATC Returns Summary Spreadsheet 27102023*
- *A4 Simplified Process Flow Diagram, Production Energy Efficiency Measures 27102023*
- *DP NE Energy Efficiency Plan 2023\_24 25092023*
- *DP NE Environmental Objectives 2023\_24 27092023*
- *Wastewater Treatment Process Diagram 13062023*
- *Improvement Condition 18 Response Letter 27102023*

Further information was required with an email response sent to the operator on the 17<sup>th</sup> November 2023. A response was submitted by the operator on the 24<sup>th</sup> November 2023 with the following additional information:

- Email response 24.11.2023 containing further information and additional documentation:
  - *A4 Simplified Process Flow Diagram, Production Energy Efficiency Measures 27102023*
  - *Dairy Partners (Cymru Wales) Ltd Site Water Plan 24052023*

- *Dairy Partners NRW BATC Returns Summary Spreadsheet 24112023*
- *Drum Filter*
- *Passive Filter*
- *SPEC 16A – STYXII*
- *Image – 20231121\_123106*

### **BAT 1 EMS**

The updated information included in '*Dairy Partners NRW BATC Returns Summary Spreadsheet 24112023*' demonstrates compliance with BAT 1 of the Best Available Techniques (BAT) Reference Documents (BREF) for Food, Drink and Milk Industries.

The response included descriptions of how the site meets the requirements of BAT 1 and included details of the techniques in place. Several supporting documents are referenced within the summary spreadsheet provided (the majority of these documents have not been submitted to NRW). A full detailed audit of each supporting document has not been undertaken at this stage.

As the response(s) provided by the operator include a description of the techniques in place and how they meet the BAT standard, the submitted documents demonstrate compliance with the requirements of IC18. Please note, the EMS is a live document and should be reviewed and updated regularly.

The submitted documents, also included updates to parts of BAT 2 and BAT 6 which were not previously provided as part of the permit variation V005 (varied permit following the publication of the Best Available Techniques (BAT) Reference Document (Bref) for the food, drink and milk industries.

### **BAT 2 Efficiency**

Updated responses were provided for BAT 2i and ii which were previously lacking in information. The updated response included in '*Dairy Partners NRW BATC Returns Summary Spreadsheet 24112023*' demonstrates compliance with BAT 2 of the Best Available Techniques (BAT) Reference Documents (BREF) for Food, Drink and Milk Industries.

The odour techniques implemented on site to reduce emissions as described under BAT 2i (e.g. passive carbon filter) and their effectiveness does not form part of this IC review. Assessment will be undertaken as part of other routine compliance work/ other IC review work.

BAT 2(ii) links to BAT 7 where further information is provided on water reductions measures implemented on site. BAT 7 has already been assessed as part of the permit variation V005.

A water schematic diagram was also provided '*Dairy Partners (Cymru Wales) Ltd Site Water Plan*'. The plan identifies water sources for the site, including five boreholes. A separate licence is held for the borehole abstractions (WA/062/0001/0016). No assessment of compliance with this abstraction licence has been undertaken at this time. This will be undertaken as part of future compliance work.

Information provided for BAT 2 (i and ii) demonstrates compliance for meeting the requirements of the BAT.

### **BAT 6 Energy Efficiency**

An updated response was provided for BAT 6a (which was previously flagged as “to be compliant in the future”). The updated response included in ‘*Dairy Partners NRW BATC Returns Summary Spreadsheet 24112023*’ and the Energy Efficiency Plan document provided ‘*DP NE Energy Efficiency Plan 2023\_24 25092023*’ demonstrates compliance with BAT 6 of the Best Available Techniques (BAT) Reference Documents (BREF) for Food, Drink and Milk Industries.

The operator has confirmed the following:

*“We currently record and monitor:*

- 1. Electrical consumption, including utilising sub-metering for a greater depth of data and scope 1 & 2 monitoring.*
- 2. LFO and LNG fuel consumption (only one is used at a time - dual fuel boilers) is monitored on a continual basis.*
- 3. Water consumption from the three water sources - mains, borehole and reclaimed water from the production process.*
- 4. Scope 1 & 2 monitoring.*

*KPIs:*

- 1. Electricity KW per tonne of cheese produced.*
- 2. Cubic metres of water used per 1000L of milk processed.*
- 3. Breakdown of water sources.*
- 4. LNG/LFO litres per tonne of cheese produced.*

*An Energy Efficiency Plan is in use on site and is reviewed annually”.*

Planning periodic improvement targets and related actions are documented in the Energy Efficiency Plan.

A copy of the Energy Efficiency Plan was provided and demonstrates the requirements of BAT6a. A full detailed audit has not been completed as part of this IC review.

For the purposes of IC18, the relevant information/documents (as listed above) have been provided and accepted by NRW.

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](mailto: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](mailto: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.