

## Compliance Assessment Report CAR\_NRW0043372

**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:** Report/Data Review,

**Reason:** Routine.

**On:** 14/02/2024.

**Parts of permit assessed:** Condition 2.4.1, Table S1.3, Improvement Condition 10.

**NRW Lead Officer:** Kirsty Thomas.

**Report sent to:** Neil Shawcross, Safety, Health and environment Manager, on 14/02/2024.

### 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	Action only (X)	
IR2E - Operations - Improvement programme	Action only (X)	

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?

Criteria	Action needed	Complete by
IR2E	When replacement of cooling equipment/refrigerants used on site is being planned, it is expected that all new refrigeration systems will use refrigerants with the lowest practical GWP. As with end-of-life system replacements, ultra-low GWP refrigerants should be used wherever possible.	Already completed
IR2E	Refrigeration systems should be regularly reviewed and checked to help with identifying any issues and repairs	Already completed

Criteria	Action needed	Complete by
	needed. This will help inform when systems/refrigerants need to take place.	

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

#### **Improvement Condition 10 - Prevent emissions of ozone depleting substances and of substances with a high global warming potential.**

The operator has submitted the following documents to discharge the requirements of Improvement Condition 10 (IC10):

- IC10 FMCC Haverfordwest Improvement Condition 10 – BAT 9 – June 2023
- FMCC Haverfordwest Improvement Condition 10 – BAT 9 -v2 Jan 2024

Condition 2.4.1 from the permit EPR/XP3830UR 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.” Improvement Condition 10 in Schedule 1, Table S1.3 specifies:

***The Operator shall submit to Natural Resources Wales an updated written procedure following additional investigatory work describing how they intend to meet the following BAT requirements in accordance with the requirements specified within:***

- ***BAT Conclusion 9 of the Food, Drink and Milk Industries BRef Document (EU 2019) – In order to prevent emissions of ozone depleting substances and of substances with a high global warming potential from cooling and freezing, BAT is to use refrigerants without ozone depletion potential and with a low global warming potential***

***The report should include but not limited to:***

- ***a review of the use of the current refrigerant(s) as to whether they meet the BAT requirements as specified above and;***
- ***a feasibility study and implementation plan (if appropriate) regarding the replacement of the current refrigerant(s) with one with a lower global warming potential and no ozone depletion potential. Suitable alternatives include but not limited to ammonia, water and carbon dioxide.***

***The report shall be submitted to Natural Resources Wales by the date specified for review. Natural Resources Wales will review the report to be determined if the above BAT requirements have been achieved.***

A review was undertaken of the Operator's initial response provided (*IC10 FMCC Haverfordwest Improvement Condition 10 – BAT 9 – June 2023*). The response provided an overview of all refrigerants used on site and their Global Warming Potential (GWP). Some details were included on the replacement of cooling equipment and refrigerants on site with that of equipment and refrigerants with lower GWPs.

Following this review, it was deemed that more information was required, particularly around the feasibility and implementation of replacements of current refrigerants with one with a lower GWP as well as confirmation of no ozone depleting substance. The use of R404A was of particular concern given its high GWP in the walk in lab freezer. R404A is also a banned F gas for refilling in some circumstances. Therefore, NRW sent a response letter requesting additional information.

NRW response letter was sent the 16<sup>th</sup> of January 2024 titled "*First Milk IC10 NRW response 16.01.2024*". The Operator provided an updated response to NRW on the 30<sup>th</sup> January 2024 – "*FMCC Haverfordwest Improvement Condition 10 – BAT 9 -v2 Jan 2024*".

The response provided by the Operator provided details on the refrigerants used on sites and plans to replace refrigerants and refrigeration equipment to ones with a lower GWP where possible. Some refrigeration units on site have already been retrofitted with refrigerants with lower GWP. This includes the cheese store units (2 units) and rapid chiller store (4 units). The next stage for both these units will be end of life replacement to ultra-low GWP systems (e.g. ammonia, CO2 or propane). End of life replacement may be within the next 5-10 years+.

The chilled water plant has recently been upgraded with an ammonia chilled water plant installed in 2021, replacing an old F-gas system.

Several smaller freezers/fridges on site include the walk in lab freezer, cheese starter room freezers (3 units) and cheese grading room fridges (2 units). The Walk in lab freezer which uses the highest GWP refrigerant on site (R404A) will refill in the next 2 years to the lowest practical GWP option. The cheese starter room freezers and cheese grading room fridges have been identified as not suitable for change of refrigerant. These will be replaced at end of life with the lowest feasible GWP refrigerant system. Estimated end of life – 5-10 years+.

The Operator confirmed there are no ozone depleting refrigerants used on site.

Given the Operator has a plan in place for improvements to site to meet the requirements for BAT 9, we are in agreement that this satisfies compliance with the requirements of the IC. The following ongoing actions are as follows:

**Action** – When replacement of cooling equipment/refrigerants used on site is being planned, it is expected that all new refrigeration systems will use refrigerants with the lowest practical GWP. As with end-of-life system replacements, ultra-low GWP refrigerants should be used wherever possible.

**Action** - Refrigeration systems should be regularly reviewed and checked to help with identifying any issues and repairs needed. This will help inform when systems/refrigerants need to take place.

**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.

**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.