

## Compliance Assessment Report CAR\_NRW0043201

**Permit being assessed:** WP3231NB.

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

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

**Type of assessment:** Check Monitoring/Sampling,

**Reason:** Routine.

**On:** 19/12/2023 between 11:00 and 12:05.

**Parts of permit assessed:** 3.3 Odour and 2.3 operating techniques.

**NRW Lead Officer:** Luke Burton.

**Report sent to:** Daryl White, Site 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
IR3C - Emissions and monitoring - Odour	Assessed (A)	
IR2C - Operations - Operating techniques	C2 Significant	2.3.1 (a)

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

Total non-compliances recorded	Total non-compliance score
1	31

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
IR2C	Operator to only complete Liquefied Natural Gas (LNG) refuelling using the techniques and manner described in the documentation within permit table table S1.2 operating techniques until such a time that alternative techniques and manners are agreed through a permit variation.	14/02/2024

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.

**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**

This Compliance Assessment Report (CAR) has been produced following Natural Resources Wales (NRW) undertaking an unannounced, offsite assessment of the emissions from the operator's activities.

On 19/12/2023, between 11:00 and 12:05 NRW's Luke Burton, herein referred to as 'the officer', undertook assessments of the emissions from the activity at various locations.

The assessments were undertaken for at least 5 minutes at the following locations:

- The entrance to Chadzy's Ltd;
- Aberarad road where it crosses the Afon Arad;
- Aberarad road to the rear of the Creamery staff car park, and;
- The gated entrance to the sludge tankering point off the B4333.

### **Odour**

Odour emissions from the activity were not perceived by the officer to be at levels likely to cause pollution outside of the site for the duration of the assessment.

### **Noise from the delivery of liquified natural gas (LNG)**

At 11:03 at the entrance to Chadzy's Ltd only a feint alarm, road and humming sounds, believed to be coming from site operations, could be heard by the officer.

At 11:19 at the Afon Arad road bridge to the north of the site only running water sound could be heard by the officer.

At 11:40 behind the operators staff car park to the west of the only site vehicles moving on the site and a humming, believed to be coming from site operations, could be heard by the officer.

At 11:54 near the gated entrance to the sludge tankering point off the B4333 an LNG road tanker was observed parked next to the LNG tank, a hose was connected to the LNG road tanker, and white coloured vapour escaping from the LNG road tanker. An offensive and continual tonal noise originating from the direction of LNG road tanker and LNG tank was heard by the officer.

Monitoring of the noise undertaken by the officer using a calibrated sound level meter at the site boundary confirmed the presence of a continual tonal noise.

Table S1.2 Operating techniques from the permit is partially reproduced below.

**Table S1.2 Operating techniques**

Description	Parts	Date Received
Improvement Condition 7 submission	Operator submission titled: "Dansco Dairy Products Ltd - IPPC Permit Improvement Programme - Reference: IC7 – December 2006"	27/12/2006
Improvement Condition 8 submission	Operator submission titled: "Saputo Cheese UK Ltd. - IPPC Permit Improvement Programme - Reference: IC8 – November 2007"	05/11/2007
Variation EA/EPR/FP3434UB/V002	The response to questions 1.2, 2.1 to 2.12 (inclusive), 3.1 and 4.1 to 4.3 (inclusive) in Part C of the Application Form.	13/06/2008
Improvement Condition 10 submission	Operator submission titled: "Saputo Environmental Management System - IC10" dated Nov 2009	03/11/2009
Variation EA/EPR/FP3434UB/V002	Documents referenced in section 3 of Part C3 of the variation application forms.	02/08/2018
<b>Improvement Condition 12 submission</b>	<b>Operator submission titled: "Report into LNG delivery Systems at the Newcastle Emlyn Dairy" dated 30<sup>th</sup> December 2019</b>	<b>02/01/2020</b>

The operator submission titled: "Report into LNG delivery Systems at the Newcastle Emlyn Dairy" dated 30<sup>th</sup> December 2019 (highlighted) describes the operating techniques and manner in which the operator will control noise from LNG deliveries.

The operators submission states that '*only tankers with the silent delivery option will be permitted to deliver to the Newcastle Emlyn site*'.

Condition 2.3.1 (a) of the permit is partially reproduced below.

*'The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by Natural Resources Wales.'*

The activities, namely the LNG delivery process, was not being operated using the techniques and manner described in "Report into LNG delivery Systems at the Newcastle Emlyn Dairy" dated 30<sup>th</sup> December 2019 as the delivery was substantiated as causing an offensive and continuously tonal noise, rather than being 'silent'.

We have assessed the emission as a non-compliance with permit condition 2.3.1 (a).

This non-compliance has been scored a Category 2 (significant) non-compliance, due to the potential for the noise to have a significant impact or effect on people due to the proximity of residential receptors and the continual tonal nature of the noise being offensive to human senses.

**ACTION 1:** Operator to only complete Liquefied Natural Gas (LNG) refuelling using the techniques and manner described in the documentation within permit table table S1.2 operating techniques until such a time that alternative techniques and manners are agreed through a permit variation.

NB ACTION 1 due date of 14.2.24 means with 'immediate effect'.

**Outstanding action from CAR\_NRW0042732 for LNG refuelling procedure**

CAR\_NRW0042732, sent on 06/12/2023, set an action to: '*Produce and implement a*

*management procedure for LNG refuelling that reflects the current fuel delivery system and addresses noise prevention control measures'* to be completed by 06/01/2024.

NRW has not received a response to this action, to date.

NRW set the above action to provide the operator with an opportunity to submit to NRW for approval new techniques and manners differing from those described in the documentation specified in schedule 1, table S1.2, as permissible under condition 2.3.1 (a) to reflect the new LNG supplier's procedures.

As NRW has not received a response to the referenced action from CAR\_NRW0042732 within the specified due date, this action ceases to exist, and has been superseded by ACTION 1, above.

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.