

## Compliance Assessment Report CAR\_NRW0043532

**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:** Other.

**On:** 20/02/2024.

**Parts of permit assessed:** Improvement Condition Programme.

**NRW Lead Officer:** Benjamin Taylor.

**Report sent to:** Zoë Nugent, Internal Auditor , on 23/02/2024.

### 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	C3 Minor	Permit condition 2.4.1.
IR2E - Operations - Improvement programme	C3 Minor	Permit condition 2.4.1.
IR2E - Operations - Improvement programme	C3 Minor	Permit condition 2.4.1.

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

Total non-compliances recorded	Total non-compliance score
3	12

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	Operator is to submit to NRW information or suitable action plan regarding all actions associated with IC1, IC4, IC5a, IC5b and IC6 by no later than the 1st of March 2024. Failure to do so by the set deadline will ultimately result in enforcement action being undertaken.	01/03/2024

Criteria	Action needed	Complete by
IR2E	As Action 1.	01/03/2024
IR2E	As Action 1.	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.

**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

#### Introduction

This Compliance Assessment Report (CAR) is regarding the following failure to respond to Improvement Condition (IC) information requests by United Petfood Ltd (The Operator).

On the 30<sup>th</sup> of January 2024, NRW provided to the Operator a document titled '*United Petfoods - Improvement Condition Summary Letter*'. This document provided detail into a number of ICs which the Operator had failed to address, alongside deadlines to submit information to NRW.

#### Improvement Condition Programme

The Improvement Conditions are listed within Schedule 1: Table S1.3 within your permit, these are identified and subsequently set by the NRW Permitting Team during your permit's determination process. It is important to note, prior to determination of an EPR permit it is reviewed by the Operator and agreed upon, a quote from an email received from Richard Davies (former Director of United Petfoods Ltd) on the 9<sup>th</sup> of February 2021 states '*We understand the Improvement Conditions and the need to work towards these and achieve the various compliance dates, and work has begun on this already.*'. An extract of Table S1.3 detailing these improvement conditions is illustrated below:

Table S1.3 Improvement programme requirements		
Reference	Requirement	Date
IC1	The Operator shall submit to Natural Resources Wales an updated written procedure(s) following additional investigative work describing how they intend to meet the following BAT requirements in accordance with requirements specified within: <ul style="list-style-type: none"> <li>BAT Conclusion 2 of the Food, Drink and Milk Industries BRef Document (EU 2019) - Inventory of waste water</li> </ul>	4 June 2023 or otherwise agreed in writing with Natural Resources Wales
IC4	The Operator shall submit to Natural Resources Wales a written procedure(s) describing how they intend to meet the following BAT requirements in accordance with requirements specified within BAT Conclusions of the Food, Drink and Milk Industries BRef Document (EU 2019): <ul style="list-style-type: none"> <li>BAT Conclusion 12 – BAT-AELs for direct emissions to a receiving water body</li> </ul>	4 June 2022 or otherwise agreed in writing with Natural Resources Wales
IC5(a)	The Operator shall install an MCERTS certified flow meter in line with the requirements set out in Technical Guidance Note (TGN) M18: Monitoring of discharges to water and sewer by the date specified in IC5(b). The meter shall be installed and operational and MCERTS certified by the date specified in IC5(b). An interim report shall be submitted to Natural Resources Wales detailing progress towards this by the date specified in IC5(a).	6 months from permit issue
IC5(b)	Upon completion of IC5(a). A copy of the results of the MCERTS audit and the accreditation shall be submitted to Natural Resources Wales by the date specified.	12 months from permit issue
IC6	The Operator shall update its existing Environment Management System to incorporate the following BAT requirements in accordance with: <ul style="list-style-type: none"> <li>BAT Conclusion 1 (xiv), (xvi), (xx) of the Food, Drink and Milk Industries BRef Document (EU 2019)</li> </ul> The Operator shall submit the updated Environment Management System to Natural Resources Wales for approval by the date specified.	4 June 2022 or otherwise agreed in writing with Natural Resources Wales

Table 1: Extract of Table S1.3: Improvement Programme Requirements

Addressing these improvement conditions by the specified deadline is an obligation of your permit, as demonstrated by permit condition 2.4.1 below:

*‘The operator shall complete the improvements specified in schedule 1 table S1.3 by the date specified in that table unless otherwise agreed in writing by Natural Resources Wales.’*

As the Operator had already failed to address these ICs by the deadlines specified within Table S1.3, NRW proposed new deadlines within the document provided on the 30<sup>th</sup> of January 2024 in which information was required to be submitted. These actions are outlined below:

- **IC1**
  - *The Operator is to provide to NRW the information required by this Improvement Condition (IC1) by the **16<sup>th</sup> of February 2024** or provide (**by the same deadline**) a proposed timescale for the submission of the outstanding information.*

- **IC4**
  - *The Operator to provide NRW with the information required by this Improvement Condition as a matter of urgency and no later than **16<sup>th</sup> of February 2024**. If the Operator is unable to address the requirements of this IC (IC4) they need to submit an action plan (**by the same deadline**) detailing how they propose to achieve the Total Phosphorous emission limit and to what timescales. It is important to note that examples of techniques to enhance water quality are listed on page 668 of the Food, Drink and Milk Industries BRef.*
  
- **IC5a & IC5b**
  - *The Operator to submit to NRW the information required by this Improvement Condition (IC5a & IC5b) by the **16<sup>th</sup> of February 2024**.*
  
- **IC6**
  - *The Operator to submit to NRW the information required by this Improvement Condition (IC6) by the **29<sup>th</sup> of February 2024**.*

NRW to date have received **no** information or acknowledgement regarding these submissions from the Operator, it is important to note that the newly proposed deadlines for IC1, IC4, IC5a and IC5b have all been surpassed.

#### **Compliance:**

For the failure to provide information pertinent to the ICs by the specified deadlines (16<sup>th</sup> of February 2024), which is contrary to permit condition 2.4.1. As a result, a non-compliance score (C3) has been attributed to IR2E – Improvement Programme for **each** overdue IC.

#### **Action:**

**Operator is to submit to NRW information or suitable action plan regarding all actions associated with IC1, IC4, IC5a, IC5b and IC6 by no later than the 1<sup>st</sup> of March 2024. Failure to do so by the set deadline will ultimately result in enforcement action being undertaken.**

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.