

## Compliance Assessment Report CAR\_NRW0043393

**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:** 31/12/2023.

**Parts of permit assessed:** Q4 Monitoring Submission.

**NRW Lead Officer:** Benjamin Taylor.

**Report sent to:** Zoë Nugent, Chris Moore, Technical Department , on 26/02/2024.

### 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	Permit condition 3.1.2
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	Permit condition 3.1.2.
IR4C - Information - Notification	Action only (X)	
IR4B - Information - Reporting	Action only (X)	
IR4C - Information - Notification	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
2	8

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	Operator to submit to NRW a plan of how they propose to meet the permitted compliance limits for Maximum Discharge Volume and projected timescales.	30/04/2024
IR3A	Operator to submit to NRW a plan of how they propose to	01/03/2024

Criteria	Action needed	Complete by
	meet the permitted compliance limits for Total Phosphorus and projected timescales. Due to similarity with an action (IC4) contained within CAR_NRW0043532-IC the same deadline has been selected.	
IR4C	In the event of future ELV exceedances ensure that a Schedule 5 Notification is submitted to NRW within the required timescales, as specified within your EPR permit.	26/02/2024
IR4B	Ensure all required parameters outlined within Table S3.2 (after 4th December 2023) are reported within future monitoring submissions.	28/04/2024
IR4C	Ensure all Schedule 5 Notifications are submitted to NRW within the required timescale as specified within your EPR permit.	26/02/2024

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.

**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

#### Introduction

This Compliance Assessment Report (CAR) is an assessment of the monitoring submission and associated Schedule 5 notifications submitted by United Petfoods UK Ltd (the Operator), which covers the Quarter 4 (Q4) October to December 2023.

The relevant monitoring schedule as set out in the Schedule 3 of the permit changed on the 4<sup>th</sup> of December 2023. The changes followed the implementation of the BAT Food, Drink and Milk Industries BRef Document (EU 2019). Accordingly, as part of this compliance assessment we have reviewed the Q4 monitoring submission against the relevant schedules of the permit, namely:

- Schedule 3a – was used to assess the monitoring results reported between 1<sup>st</sup> October 2023 to the 3<sup>rd</sup> of December 2023.
- Schedule 3b – was used to assess the monitoring results reported between 4<sup>th</sup> December to the 31<sup>st</sup> of December 2023.

**Note:** All future monitoring submissions will be assessed against Schedule 3b of the permit.

### Scope

The following monitoring returns and reports have been assessed within this Compliance Assessment Report (CAR):

- Emissions to Water (Q4) Period (Form Reference: Water1 04/03/2021).
- Schedule 5: Notifications.

## Q4 2023 Monitoring Returns - Emissions to Water

The installation currently has one permitted discharge point to controlled waters, referenced S1. The returns for reporting of sampling and analysis of emissions to water (other than sewer) for the period Q4 2023 were submitted on the 5<sup>th</sup> of January 2024.

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

### Maximum Permitted Discharge

Throughout the duration of Q4 monitoring period, there has been a reported total of eighteen exceedances of the permitted Maximum Daily Discharge Volume. These are outlined within Table 1 below.

Date	Time	Parameter	Measured Value
<b>October</b>			
03.10.2023	23:57	Maximum Daily Discharge Volume	1037.48m <sup>3</sup>
04.10.2023	23:57	Maximum Daily Discharge Volume	1016.35m <sup>3</sup>
13.10.2023	23.57	Maximum Daily Discharge Volume	1297.11m <sup>3</sup>
17.10.2023	23.57	Maximum Daily Discharge Volume	1132.54m <sup>3</sup>
19.10.2023	23.57	Maximum Daily Discharge Volume	1147.03m <sup>3</sup>
20.10.2023	23.57	Maximum Daily Discharge Volume	1050.53m <sup>3</sup>
24.10.2023	23.57	Maximum Daily Discharge Volume	1087.26m <sup>3</sup>

26.10.2023	23.57	Maximum Daily Discharge Volume	1082.45m <sup>3</sup>
30.10.2023	23.57	Maximum Daily Discharge Volume	1249.27m <sup>3</sup>
31.10.2023	23.57	Maximum Daily Discharge Volume	1054.57m <sup>3</sup>
<b>November</b>			
08.11.2023	23:57	Maximum Daily Discharge Volume	1076.57m <sup>3</sup>
09.11.2023	23:57	Maximum Daily Discharge Volume	1081.02m <sup>3</sup>
13.11.2023	23:57	Maximum Daily Discharge Volume	1212.78m <sup>3</sup>
20.11.2023	23:58	Maximum Daily Discharge Volume	1092.18m <sup>3</sup>
22.11.2023	23:57	Maximum Daily Discharge Volume	1018.69m <sup>3</sup>
<b>December</b>			
13.12.2023	23.57	Maximum Daily Discharge Volume	1029.92m <sup>3</sup>
27.12.2023	23.57	Maximum Daily Discharge Volume	1665.49m <sup>3</sup>
28.12.2023	23.57	Maximum Daily Discharge Volume	1444.34m <sup>3</sup>

Table 1: List of exceedances of Maximum Daily Discharge Volume noted throughout Q4

Several of the exceedances have been associated with periods of heavy rainfall. The majority of the sites surface water drainage is channelled through the MCERTS flow meter into controlled waters. However, alternative causes for the following breaches have been provided by the Operator:

- 4<sup>th</sup> of October 2023
  - Retort water blowout.
- 17<sup>th</sup> of October 2023
  - Water silo valve left open.
- 19<sup>th</sup> of October 2023
  - Blocked valve within ETP, large quantities of water used in remedial works.
- 8<sup>th</sup>, 20<sup>th</sup> & 22<sup>nd</sup> of November 2023.
  - Water abstraction in excess of 1000m<sup>3</sup>.

Schedule 3: Table S3.2 of the permit, which covers point source emissions to water specifies that:

Maximum daily discharge volume shall not exceed:  
**1000 m<sup>3</sup>/day**

Permit condition 3.1.2 below states:

*'The limits given in schedule 3 shall not be exceeded.'*

The operator should ensure that the necessary control measures are implemented to prevent reoccurrence of this permit breach in the future.

### Compliance:

For the above breaches, a non-compliance score of C3 against criteria IR3A has been allocated to this breach of permit condition 3.1.2.

In accordance with non-compliance scoring guidelines, the non-compliance scores for the breaches during Q4 2023 reporting period have been consolidated into one non-compliance score

### Action:

**Operator to submit to NRW a plan of how they propose to meet the permitted compliance limits for Maximum Discharge Volume and projected timescales.**

### Total Phosphorus

The reported result for Total Phosphorous was 7.4mg/L, which was the result of a sample taken on the 6<sup>th</sup> of December 2023. Please note, this is after the transition date to Schedule 3(b) monitoring requirements. The reported result exceeds the Total Phosphorous emission limit of 2 mg/L and is contrary to condition 3.1.2. of the permit.

Date	Time	Parameter	Measured Value
December			
06.12.2023	N/a	Total Phosphorus	7.4mg/l

*Table 2: List of exceedances of Total Phosphorus noted within Q4*

### Compliance:

The ELV for Total Phosphorus was exceeded on the 6<sup>th</sup> of December 2023, as a result a non-compliance score of C3 against compliance criteria IR3A has been allocated to this breach of permit condition 3.1.2.

### Action:

**Operator to submit to NRW a plan of how they propose to meet the permitted compliance limits for Total Phosphorus and projected timescales. Due to similarity with an action (IC4) contained within CAR\_NRW0043532-IC the same deadline has been selected.**

### Total Phosphorus Notification

The exceedance of the Total Phosphate emission limit that occurred on the 6<sup>th</sup> of December 2023 should have resulted in the submission of a Schedule 5 notification as per permit condition 4.3.1b.

No submission was received by NRW for this exceedance of the ELV.

#### **Action:**

**In the event of future ELV exceedances ensure that a Schedule 5 Notification is submitted to NRW within the required timescales, as specified within your EPR permit.**

### Total Nitrogen, Chemical Oxygen Demand (COD) and Chloride (Cl<sup>-</sup>)

The submitted monitoring data (Form Reference: Water1 04/03/2021) did not include reported figures for the following parameters:

- Total Nitrogen.
- Chemical Oxygen Demand (COD).
- Chloride (Cl<sup>-</sup>).

A document provided by the Operator on the 12<sup>th</sup> of December 2023 indicate that these parameters are currently within the monitoring suite. In the next monitoring submission (Q1, 2024), the above parameters will need to be reported following the changes implemented on the 4<sup>th</sup> of December 2023 as per permit condition 4.2.3 shown below:

*'Within 28 days of the end of the reporting period the operator shall, unless otherwise agreed in writing by Natural Resources Wales, submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows:*

*(a) in respect of the parameters and emission points specified in schedule 4 table S4.1;*

*(b) for the reporting periods specified in schedule 4 table S4.1 and using the forms specified in schedule 4 table S4.4 ; and*

*(c) giving the information from such results and assessments as may be required by the forms specified in those tables.'*

#### **Action:**

**Ensure all required parameters outlined within Table S3.2 (after 4<sup>th</sup> December 2023) are reported within the Q1 2024 monitoring submission.**

**Schedule 5 Notifications – Q4 (01/10/2023 - 31/12/2023)**

The Operator submitted three Schedule 5 Notifications throughout Q4 2023, relating to eighteen 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.

The Schedule 5 Notifications were submitted monthly, detailing all breaches for the previous month. Permit condition 4.3.2 below states:

*‘Any information provided under condition 4.3.1 (a)(i), or 4.3.1 (b)(i) where the information relates to the breach of a limit specified in the permit, shall be confirmed by sending the information listed in Schedule 5 to this permit within the time period specified in that schedule.’*

Schedule 5 Part A states that NRW should be informed within 24 hours of detection of the exceedance, and as a result the Operator is in breach of permit condition 4.3.2.

**Action:**

**Ensure all Schedule 5 Part A Notifications are submitted to NRW within the required timescale as specified within your EPR permit.**

**This CAR report and assessment was undertaken on 26<sup>th</sup> of February 2024. However, to ensure that the non-compliance scores are attributed to the correct financial year (for billing) the date on CARS system has been altered to 31st Dec 2023.**

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.