

Compliance Assessment Report CAR_NRW0043667

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: Check Monitoring/Sampling,

Reason: Routine.

On: 31/12/2023.

Parts of permit assessed: Management, Emissions & Monitoring, Reporting.

NRW Lead Officer: Rhydian Cox.

Report sent to: Neil Shawcross, Safety, Health & Environment Manager, on 29/02/2024.

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	3.1.2
IR4B - Information - Reporting	Assessed (A)	
IR4C - Information - Notification	Assessed (A)	
IR3A - Emissions and monitoring - Emissions to water, air or land	Assessed (A)	
IR3E - Emissions and monitoring - Monitoring	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
1	4

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	Ensure plant operates within the Emission Limit Values (ELVs) outlined within Schedule 3 of the permit.	Already completed

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

This Compliance Assessment Report (CAR) has been issued in response to the submission of the 2023 Annual Monitoring Returns by First Milk Cheese Company Ltd for activities at Haverfordwest Creamery, Pembroke Road, Merlins Bridge, Haverfordwest, SA61 1JN under permit number EPR/XP3830U.

Monitoring returns and reports for the following period(s) have been assessed in this CAR form:

- Emissions to Air (01/01/2023 – 31/12/2023)
- Emissions to Water (01/01/2023 – 30/06/2023)
- Emissions to Water (01/07/2023 – 31/12/2023)
- Water Usage 2023
- Energy Usage 2023
- Performance Indicators for the year (inc. Mercury & Cadmium annual returns) 2023

This CAR was undertaken on 29 February 2024. However, to ensure that the CCS scoring is attributed to the correct financial year (for billing) the date on the CARS has been altered to 31 December 2023.

Compliance Assessment

Table S4.1 (Schedule 4(a) and Schedule 4(b)) of the permit states that the annual reporting period for emissions to both air and water, begins on the 1 January.

Note: Schedule 3(a) Emissions and monitoring effective until 3 December 2023. Schedule 3(b) emissions and monitoring effective from 4 December 2023.

Emissions to Air

The operator submitted the 2023 annual monitoring return on 26 January 2024 in the agreed reporting format (Form Air1) in line with condition 4.2.2(b).

The permit requires the operator to monitor the following parameters as per Table S3.1:

Emission Point	Parameter	Limit	Monitoring Frequency
A1	Oxides of Nitrogen (NO and NO ₂)	No limit set	Annually

	expressed as NO ₂)		
A2	Oxides of Nitrogen (NO and NO ₂ expressed as NO ₂)	No limit set	Annually
A3	Oxides of Nitrogen (NO and NO ₂ expressed as NO ₂)	No limit set	Annually
A4	Oxides of Nitrogen (NO and NO ₂ expressed as NO ₂)	95 mg/m ³	Annually
	Carbon Monoxide	No limit set	Annually

All reporting results for emissions to air within permit limits. No exceedances recorded.

Emissions to Water

The operator submitted the 2023 annual monitoring return on 26 January 2024 in the agreed reporting format (Form Water1) in line with condition 4.2.3(c).

The permit (Schedule 3 (a)) requires the operator to monitor the following parameters as per Table S3.2:

Emission Point	Parameter	Limit	Compliance Statistic	Monitoring Frequency
W2	Maximum daily discharge volume	2500 m ³ /day	Absolute maximum	Continuous
	Maximum rate of discharge	120 m ³ /day	Absolute maximum	Continuous
	Temperature	35°C	Absolute maximum	Continuous
	Biochemical oxygen demand (BOD)	40 mg/L	Absolute maximum	Weekly
		20 mg/L	95 th percentile	
	Total suspended solids	60 mg/L	Daily Average	Weekly
	Ammonia	10 mg/L	Absolute maximum	Weekly
		3.5 mg/L	95 th percentile	
	Total phosphates	5 mg/L	Absolute maximum	Weekly
		3 mg/L	95 th percentile	
Iron	10 mg/L	Absolute	Weekly	

			maximum	
		5 mg/L	95 th percentile	
	Aluminium	2 mg/L	Absolute maximum	Weekly
		1 mg/L	95 th percentile	
	pH	6 - 9	Absolute maximum	Continuous

The permit (Schedule 3 (b)) requires the operator to monitor the following parameters as per table S3.2:

Emission Point	Parameter	Limit	Compliance Statistic	Monitoring Frequency
W2	Maximum daily discharge volume	2500 m ³ /day	Absolute maximum	Continuous
	Maximum rate of discharge	120 m ³ /day	Absolute maximum	Continuous
	Temperature	35°C	Absolute maximum	Continuous
	Biochemical oxygen demand (BOD)	40 mg/L	Absolute maximum	Weekly
		20 mg/L	95 th percentile	
	Chemical oxygen demand (COD)	125 mg/L	Daily average	Weekly
	Total suspended solids	50 mg/L	Daily Average	Weekly
	Ammonia	10 mg/L	Absolute maximum	Weekly
		3.5 mg/L	95 th percentile	
	Total nitrogen	20 mg/L	Daily average	Weekly
	Total phosphorus	4 mg/L	Daily average	Weekly
	Iron	10 mg/L	Absolute maximum	Weekly
		5 mg/L	95 th percentile	
	Aluminium	2 mg/L	Absolute maximum	Weekly
		1 mg/L	95 th percentile	
	pH	6 - 9	Absolute maximum	Continuous
Chloride (Cl ⁻)	No limit set	Not applicable	Monthly	

The site have submitted the following forms during the 2023 reporting period;

- Water1 for January to June 2023 – Emission Limit Value exceedance reported for Total Phosphates Absolute maximum with a result of 6.6mg/l against a permit limit of 5mg/l tested on 09/05/2023. Uncertainty not applied. First Milk have been issued with a **Cat 3 non-compliance**, scored in line with CCS scoring guidance, for a breach of the emission limit values. Which has been scored against Compliance Criteria IR3A. A Schedule 5 notification was submitted to NRW on the 25th May 2023, following identification of the breach. The Schedule 5 outlined the following: Effluent Treatment Plant operating company have reviewed the plant and has an action plan in place with the aim of bringing the phosphate levels back in line with permit limits. The Emission Limit Values reported in the reporting period of July to December (2023) inclusive, demonstrate that the result for the Total Phosphate Absolute maximum has returned to a level aligned with the limits set in the permit, following the operational improvements undertaken by the ETP operators.
- Water1 for July to December 2023 – Emission Limit Value exceedance reported for Ammonia 95th percentile with a result of 3.8mg/l against a permit limit of 3.5mg/l. This score has been discounted after applying the uncertainty figure of 39.01%, therefore **no score** has been applied.

All other parameters for Emissions to Water for both reporting forms for 2023 within permit limits. No other non-compliances recorded.

Annual Performance Indicators

Condition 4.2.3 of the permit states that reports on the performance of the activities over the previous year shall be submitted to NRW by 31 January. The operator submitted the 2023 annual performance reports on 26 January 2024 in the agreed reporting forms in line with condition 4.2.3(c).

Water Usage

Reporting of annual water usage of both Potable and Non-potable water has been reported to NRW in line with table S4.3, using required form (WaterUsage1). No issues noted.

Energy Usage

Reporting of annual energy usage has been reported to NRW in line with table S4.3, using the required form (Energy1). No issues noted. Natural gas fired CHP output has been reported in form Performance1.

Performance Indicators

Other performance indicators for the 2023 annual reporting has been submitted to NRW using the required reporting form (Performance1). Included within the form are Total raw material used, Waste disposal and/or recovery, Mass of ammonia released to water, Mass of refrigerants released in line with table S4.3. No issues noted. As outlined within the report, the annual report with the amount of nitrates, suspended solids and phosphates reduces from the nutrient efficiency (offset) scheme, will be provided separately to NRW. This will be reviewed upon submission.

Annual production of dairy products as outlined in table S4.2 has also been reported as required.

Cadmium and Mercury

Table S3.3 outlines annual limits for the reporting of both Mercury and Cadmium. Mercury and Cadmium 2023 annual limits have been reported to NRW.

Substance	Medium	Limit (including unit)
Mercury and its compounds	Water	228g – Compliance based on mass balance calculation
Cadmium and its compounds	Water	96g – Compliance based on mass balance calculation

All reporting results for Cadmium and Mercury within permit limits. No exceedances recorded.

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 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

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.