

Our Ref: EPR/WP3231NB

Mr Daryl White
Dairy Partners (Cymru Wales) Ltd.
The Creamery
Aberarad
Newcastle Emlyn
Carmarthenshire
SA38 9DQ

Date: 22nd March 2024

Dear Mr White

EPR- WP3231NB Dairy Partners (The Creamery, Newcastle Emlyn) Improvement Conditions Review

Dairy Partners' response to discharge the requirements of Improvement Condition (IC) 17 of the environmental permit EPR-WP3231NB has been submitted for NRW review.

Documents received from Dairy Partners:

- 320-01-02 H1 Screening assessment and water and trade effluent sampling and analysis.pdf

As you are aware, the ICs were included as part of a recent permit variation (application made to include the upgraded Effluent Treatment Plant (ETP)) which was issued by NRW in March 2023. The permit also underwent a review and was varied (May 2023) following the publication of the revised Best Available Techniques (BAT) Reference Documents (BREF) for Food, Drink and Milk Industries. Some additional Improvement Conditions have been included to bring the site up to the necessary standard. Further IC responses will be required from the site in due course.

We have carried out an initial review of the response to IC17.

(a) The Operator shall submit to NRW the maximum capacity of the installation that was used in the most recent risk assessment submitted to NRW.

IC17 ***(b) The Operator shall submit to NRW for approval the maximum capacity of the installation at the current time.***

(c) If the maximum capacity of the installation has increased from the time of the last submitted risk assessment and the current time, the Operator shall review and update the risk assessment to account for the current maximum capacity. The risk assessment shall be submitted to NRW for review.

Notes:

The capacity is to be taken and presented using the same units* from the relevant sub-section of Section 6.8, Part 2, Schedule 1 of the Environmental Permitting Regulations 2016 (as from time to time amended).

Capacity is to be taken as the maximum possible capacity of the installation, not the maximum actual production.

The risk assessment should follow the methodology set out in The Environmental Risk Assessment (EPR-H1). You may use a methodology other than EPR-H1 however the methodology must address the same issues as in EPR-H1 to an equivalent level of detail.

**Note – Units specified in EPR 2016 - 6.8 Part A(1)(e)- treating and processing milk, the quantities of milk being more than 200 tonnes per day.*

John Potter (Dairy Partners) also confirmed the following via email in relation to parts a, b and c of IC17:

- Email confirmation (dated 09/01/2024) of the site's production rates as follows: "The previous discharge volume is referenced from the 2020 H1 report (a), the maximum production rate of 1,085m³ is referenced (b) and the risk assessment (c) are all included".

Please see the following comments:

17(a) The Operator shall submit to NRW the maximum capacity of the installation that was used in the most recent risk assessment submitted to NRW.

- It is NRW's understanding that the latest risk assessment submitted as part of the IC17 was derived from an earlier risk assessment that was submitted as part of the ETP Variation application (V004). Several risk assessments were submitted as part of the permit variation at the time (e.g. surface water H1 assessment).
- The permit variation was issued in March 2023 and the decision document for V004 states that the site receives 720 tonnes of milk per day with typical production throughput of 580 tonnes of milk received per day. The V004 decision document also states that there was no proposed change in production capacity or through put as part of that variation. It is therefore unclear if a full risk assessment of the site's maximum capacity at this time was undertaken.

Action 1 - Please confirm the figures above are correct in relation to part (a) (maximum capacity of the installation that was used in most recent risk assessment submitted to NRW). Signpost to information submitted as part of previous permit variation that includes a full detailed risk assessment of the whole installation for the site's maximum capacity at the time (this would accompany the surface water risk assessment).

Action 2 - Please also confirm the unit conversion of milk received in tonnes per day to litres per day to make a direct comparison to information provided in the IC17 response submitted.

17 (b) The Operator shall submit to NRW for approval the maximum capacity of the installation at the current time.

- The email response received from Dairy Partners (John Potter) on 09/01/2023 references discharge volumes of the ETP rather than units of milk in tonnes per day, as required by the IC.
- The submitted document, *320-01-02 H1 Screening assessment and water and trade effluent sampling and analysis.pdf*, Section 4.2 in particular details that the quantity of cheese produced on site has increased over the year: “*The quantity of cheese produced by DP has risen from ca. 8,700 tonnes of mozzarella and ca. 86 million litres of processed milk in 2015, to almost 19,000 tonnes of cheese and approximately 177 million litres of processed milk in 2022 (Table 7) (Info by John Potter, DP HSE lead)*”. It is not clear if these are average or maximum figures.
- It is understood that based on the 2023 monitoring returns submitted to NRW that total milk used for the year was 187,319 tonnes. This is an increase on the previous year (2022).

Action 3 - Please confirm the **maximum** capacity of the installation at the current time. Please provide a clear response including milk processed/milk intake in both litres per day and tonnes per day (keep consistent units).

17 (c) If the maximum capacity of the installation has increased from the time of the last submitted risk assessment and the current time, the Operator shall review and update the risk assessment to account for the current maximum capacity. The risk assessment shall be submitted to NRW for review.

- As per the IC, an updated risk assessment shall be submitted to NRW if the maximum capacity of the installation has increased from the time the last risk assessment was submitted. Based on the response provided, it is NRW's understanding that the site's capacity has continually increased over the years.
 - The response provided by Dairy Partners is a H1 surface water screening assessment & water and trade analysis sampling and analysis in relation to the effluent discharge.
 - NRW's position is that we require a full risk assessment to account for the current maximum capacity of the whole installation.
 - The document you have previously submitted is the H1 surface water screening assessment only. We require a full risk assessment to assess all potential risks associated with the increased maximum capacity of the whole installation. The risk assessment should follow the methodology
-

set out in The Environmental Risk Assessment (EPR-H1). You may use a methodology other than EPR-H1 however the methodology must address the same issues as in EPR-H1 to an equivalent level of detail. Link to the H1 guidance can be found here : [Risk assessments for specific activities: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/risk-assessments-for-specific-activities-environmental-permits)

- A detailed review of the H1 surface water screening assessment has not been undertaken at this time. It is noted that the assessment includes an assessment of the potential maximum capacity the facility could treat (274,000,000 litres of milk that could be processed resulting in a maximum discharge volume of 1085m³/day). A review of an increased discharge volume (and as stated in your response) as well as an increase in the facilities production would need to be reviewed and determined as part of a formal permit variation application.

You will need to undertake a review of your submission to address the issues raised above and submit the updated response to NRW by the 30th of April 2024 (unless otherwise agreed in writing with NRW).

Yours sincerely



Kirsty Thomas
Lead Specialist – Industry Regulation

Direct e-mail: kirsty.thomas@cyfoethnaturiolcymru.gov.uk

Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi.

Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.