

## Compliance Assessment Report for CAR\_NRW0043321

<b>Permit number</b>	EPR/WP3231NB	<b>Operator name</b>	Dairy Partners (Cymru Wales) Limited
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<b>Site name</b>	The Creamery
<b>Site address</b>	Aberarad, Newcastle Emlyn, Carmarthenshire
<b>Type of assessment</b>	Site inspection

<b>Date of assessment</b>	18/12/2023	<b>Time in</b>	10:30	<b>Time out</b>	15:00
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<b>Parts of permit assessed</b>	Management, Operations, Emissions and Monitoring
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<b>NRW Lead officer</b>	Alex Bowder	<b>Accompanied by</b>	Luke Burton and Kirsty Thomas
<b>Report sent to – Name and position</b>	Daryl White – Site Manager	<b>Date</b>	14/02/2024

### 1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (use action criteria below)	Assessment result	Permit condition
IR2A - Operations - Permitted activities	Ongoing (O) Ongoing non-compliance, not scored	3.1.1
IR2C - Operations - Operating techniques	C3 Minor	2.3.1
IR2C - Operations - Operating techniques	Assessed or assessed in part, no evidence of non-compliance found. Action Only (X)	
IR3C - Emission and Monitoring - Odour	Assessed or assessed in part, no evidence of non-compliance found. Action Only (X)	
IR1A - Management - General management	Assessed or assessed in part,	

Part of permitted activity assessed (use action criteria below)	Assessment result	Permit condition
	no evidence of non-compliance found. Action Only (X)	
IR1A - Management - General management	Assessed or assessed in part, no evidence of non-compliance found. Action Only (X)	
IR4B - Information - Reporting	Assessed or assessed in part, no evidence of non-compliance found. Action Only (X)	
IR1A - Management - General management	Assessed or assessed in part, no evidence of non-compliance found. Action Only (X)	
IR3C - Emission and Monitoring - Odour	Assessed or assessed in part, no evidence of non-compliance found. Action Only (X)	
IR1A - Management - General management	Assessed or assessed in part, no evidence of non-compliance found. Action Only (X)	
IR1A - Management - General management	Assessed or assessed in part, no evidence of non-compliance found. Action Only (X)	
IR3B - Emission and Monitoring - Emissions of substances not controlled by emission limits	C2 Significant	3.2.3 (Suspended)

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

Total number of non-compliances recorded	Total non-compliance score
2	4

## 2. What action is required?

Compliance Criteria	Action needed	Complete by
IR2A – Permitted Activities	1. ACTION 6 of CAR_NRW0042732 captures the requirement for a permit variation and action deadline. Operator to confirm variation submission date to NRW.	See previous CAR form. Operator to confirm variation submission date within 1 week of report issue.
IRC2 – Operating techniques	2. Implement the mitigation measures for open pits as recommend by your appointed odour specialists. Provide any justification of why the recommended mitigation measures (e.g covers and suitable extraction units) are not effective. Provide detailed information of any alternative system and any cost benefit analysis if applicable.	14/03/2024
IRC2 – Operating techniques	3. Provide: (a) Details of the 'fat busting powder' used, including but not limited to: Brand name, product name, ingredients, and quantities used;  (b) Dairy Partners' assessment of the suitability of this product for use in your effluent treatment process, which assesses the impacts it could have on the functioning of the new effluent treatment plant, including but not limited to, the performance of the treatment processes and achievement of the set emission limits.	21/02/2024
IR3C - Odour	4. Provide the manufacturer's instructions for the DAF tank carbon filters, confirm how often the filters should be changed. Provide justification for any deviation from the manufacturer's instructions. You must ensure spare filter(s) are maintained on site to be readily used when a filter change is required.	21/02/2024
IR1A – General management	5. Operator to produce and provide a Standard Operating Procedure (SOP) featuring step-by-step guide to how the sludge pit is to be cleaned.	21/02/2024
IR1A – General management	6. Operator to produce and provide a Standard Operating Procedure (SOP) featuring step-by-step guide to how the crude pit is to be cleaned.	21/02/2024
IR4B – Reporting	7. Operator to provide waste transfer notes for the removal of accumulate crude pit waste.	21/02/2024

Compliance Criteria	Action needed	Complete by
IR1A – General management	8. Operator to submit SOP-065 to NRW. NB. SOP-065 should contain information on how the carbon filters have and continue to be appropriately sized for the purpose of abating odours, how the carbon filters are confirmed as continuing to function as designed, as well as how they are to be used when transferring sludge.	21/02/2024
IR3C - Odour	9. Provide the manufacturer's instructions for the sludge tank carbon filters, confirm how often the filters should be changed as recommended by the manufactures. Provide justification for any deviation from the manufacturer's instructions. You must ensure spare filter(s) are maintained on site to be readily used when a filter change is required.	21/02/2024
IR1A – General management	10. Operator to submit a SOP for the Effluent Treatment Plant (ETP). The SOP must contain, as a minimum, detailed information on the day-to-day running of the ETP as well as contingencies to adequately address malfunctions identified with the running of the plant. The SOP must also contain information on the DAF plant including information on how the carbon filters have and continue to be appropriately sized for the purpose of abating odours, how the carbon filters are confirmed as continuing to function as designed.	21/02/2024
IR1A – General management	11. Training records for onsite training (including operational, cleaning and maintenance) to be provided to NRW.	21/02/2024
IR3B - Emission and Monitoring - Emissions of substances not controlled by emission limits	12. Provide the ETP plant, associated tankers and pipework with appropriate secondary containment.	14/08/2024

Action 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 prosecutions 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) details the comments of Natural Resources Wales (NRW) Officers for the site inspection conducted on Monday 18<sup>th</sup> December 2023 at The Creamery, Aberarad, Newcastle Emlyn SA38 9DQ for activities undertaken by Dairy Partners (Cymru Wales) Limited (the Operator) under Environmental Permit **EPR-WP3231NB**.

##### Attendees

Alex Bowder - Senior Regulation Officer, NRW  
 Luke Burton - Lead Specialist Industry Regulation, NRW  
 Kirsty Thomas - Lead Specialist Industry Regulation, NRW  
 John Potter - HSE Lead, Dairy Partners  
 Daryl White - Site Manager, Dairy Partners  
 Ashton Daniels - Process Improvement Manager, Dairy Partners  
 Steven Welch – Director and Commercial Manager, Dairy Partners

##### Previous CAR Form Actions (CAR NRW0042732)

Action	Details	Deadline date	Comments	Status
1	The operator must store all potentially polluting liquids in an area that can safely contain any spill or leak with suitable impermeable status.	Immediate	Waste storage area inspected, and all potentially polluting liquids were stored on flooring with impermeable status.	COMPLETE
2	Provide evidence of drainage system checks, drain CCTV surveys, and stress tests conducted in last 3 years to NRW.	Within 3 months of report issue (6 March 2024)	Information not yet received.	Ongoing
3	Produce and implement a management procedure for LNG refuelling that reflects the current fuel delivery system and addresses noise prevention control measures.	Within one month of report issue (6 January 2024)	Deadline passed and information <i>not</i> received. Please action as required.	Overdue – NRW follow up in CAR_NRW0043201
4	The operator to ensure that any containers (including their pipework) holding potentially polluting liquids must be provided with appropriate secondary containment.	Immediate	Ongoing - Pipework containment to be incorporated with secondary containment lagoon design.	Ongoing
5	The operator must ensure that all spills of polluting substances are prevented as far as reasonably practicable and cleaned up immediately.	Immediate	Oil tanker area inspected, and improvements made to the oil transfer method (the pumping mechanism) to minimise the risk of future spills.	COMPLETE
6	The operator must submit a permit variation application to NRW by the deadline specified. The application will need to cover the changes proposed by the new CiP plant and associated abatement system.	Within 3 months of report issue (6 March 2024)	See CiP commentary below.	Ongoing

7	The operator must provide all potentially polluting liquids with appropriate secondary containment.	Immediate	Appropriate secondary containment was provided to potentially polluting liquids - see image 1.	COMPLETE
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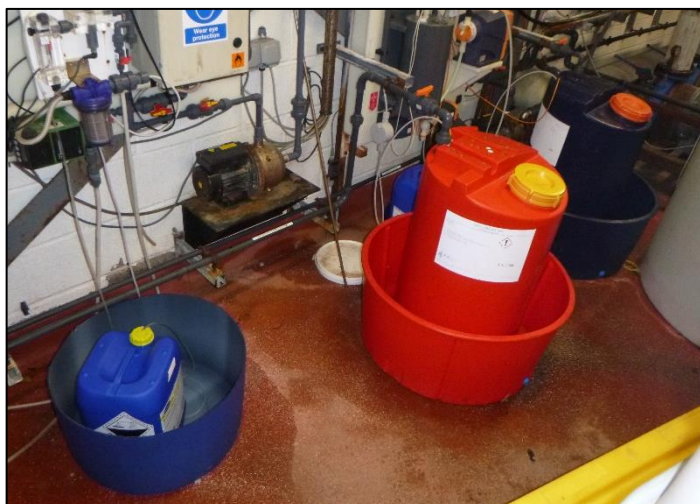


Image 1 - showing potentially polluting liquids stored with appropriate secondary containment

**1. General compliance comments**

Site inspection purpose

The purpose of the visit was to conduct an inspection of the operator’s performance against Environmental Permit **EPR/WP3231NB**. A focus was set on odour management in light of the frequent odour complaints received and current ongoing work by the operator to update the sites Odour Management Plan (OMP - part of Improvement Condition work set in the environmental permit). Separate comments will be provided on the OMP as part of Improvement Condition review work.

The site visit was split into two parts: first a site walkover/onsite inspection and second, a further discussion at the office, particularly looking at an undertaking an audit and review of operational procedures in place for site operations and activities (including operating, cleaning and maintenance activities undertaken at site).

**2. Inspection commentary – Site walkover**

At 10:30 NRW officers arrived at the site office where they were greeted by Dairy Partners staff John Potter, Daryl White, Ashton Daniels and Steven Welch. NRW officers were signed in and visited the office briefly to discuss the visit agenda and schedule. Officer then left the office and proceeded to the site. Officers were taken through the site and headed to the effluent treatment area which has been identified by the operator as the main potential source of odour from site (other areas of the site have not been identified as being sources of odour). As the site inspection was odour focused, NRW officers inspected the different areas that form the Effluent Treatment Plant (ETP).

Clean-in-Place (CiP)

The CiP was viewed whilst walking from the site office towards the ETP. As documented in the previous CAR form, **CAR\_NRW0042732**, a new CiP has recently been commissioned. The CiP consists of an acid scrubber which has a point source emission point to air. The operator was instructed to submit a permit variation application to apply for the changes to the installations CiP plant and inclusion of a new air emission point.

During the site walkover, the operator queried the need for a permit variation if only clean air is emitted from the scrubber. NRW officers confirmed as this is an emission point associated with the process (or associated process of the main activity), it will need to be permitted. As per condition 3.1.1, *“There shall be no point source emissions to water, air or land except from the sources and emission points listed in schedule 3 tables S3.1 and S3.2.”* Emissions may be clean during normal operations but there is a potential for emissions to occur if the equipment was to fail. Therefore, further assessment of the emissions, operating techniques and other relevant documents/assessments would need to be undertaken.

**ACTION 6 of CAR\_NRW0042732 captures the requirement for a permit variation and action deadline. Operator to confirm variation submission date to NRW.**

#### ETP drains

Daily visual inspections of the drain slots are routinely carried out by staff. Maintenance is done via jet-washing lines periodically, conducted by a contractor. No blockages were observed at the time of inspection.

#### Sludge pit

The sludge pit was observed to be open with no covering, other than a metal grill. The sludge pit was viewed and contained a low level of effluent at the time.

Effluent was actively pumping to the sludge pit at a height during the inspection. Drop heights of liquid discharge pipes has been identified in previous odour investigation work carried out by the operators appointed specialist odour consultants (Air Quality Consultants Ltd). It was recommended by the consultants that the site should lower the drop heights of liquid discharge pipes to minimise turbulence in open tanks and pits. The site confirmed they had explored this option to decrease drop heights but was deemed not suitable. This is due to the potential for lowering of the pipes to cause blockages when the effluent rises. Therefore, drop heights have not been decreased.

The operator was asked to explain how the sludge pit was cleaned and how often. It was confirmed that daily cleaning of the sludge pit takes place by use of a pressure washer. The operator explained they had explored covering the sludge pit in the past but was again deemed not practical as there would be a build-up of odour and daily cleaning needs to take place.

Previously assessments undertaken by Air Quality Consultants Ltd (dated August 2021 and December 2021 submitted to NRW by the operator) included a review of likely odour sources originating from the site and a review of the ETP being operated in accordance with the Best Available Techniques (BAT) for the minimisation and control of odour emissions.

Covering/enclosing of open pits (including the sludge pit and crude pit) had been previously identified as BAT by the consultants and was a recommendation within their report: *“The pits should be covered to provide containment of the odours. However, unless the headspace air is to be extracted and treated by an OCU, a tight fitting or fully sealed cover should be avoided to prevent the accumulation of odorous headspace air. An impermeable cover which allows some*

*air exchange with the atmosphere (e.g., via a vent or small permitter gaps) would likely offer an adequate level of odour control for these tanks given their distance from the residential properties*". It was confirmed within the December 2021 odour report that tarpaulin covers were placed over the crude pit and mesh filter tanks. These covers were not in place at the time of the site inspection.

It is not clear if Air Quality Consultants Ltd confirmed the covers installed on the sludge pit were suitable and in line with their recommendations or if other suitable options had been explored. If Air Quality Consultants Ltd recommendations had been followed, it is likely there would not have been an issue with odour build up as identified by the Operator.

Covering/enclosing of these open pits (assuming no safety considerations, under adequate pressure and collected emissions directed to an appropriate abatement system) would be in line with Best Available Techniques.

It is also noted that a previous version of the site's OMP's (*Dairy Partners Odour Management Plan J10-12625A-10 D1 12072022*) submitted to NRW and as detailed in permit variation V004 decision document describes that odour mitigation measures implemented on site included "sheet covers on the crude and sludge pits to reduce the exposed surface area of the pits and to provide containment of odours". *Dairy Partners Odour Management Plan J10-12625A-10 D1 12072022* currently forms part of the operating techniques table S1.2 of the environmental permit. An updated OMP as part of Improvement Condition review work (IC20) is still to be agreed by NRW. It is noted that the recently submitted revised OMP states the crude pit and sludge pit are open with not coverings.

In accordance with NRW's compliance scoring guidance, a non-compliance score of C3 will be recorded against sub-criteria, Condition 2.3.1 of the environmental permit for the deviation from covered pits.

**ACTION – Implement the mitigation measures for open pits as recommend by your appointed odour specialists. Provide any justification of why the recommended mitigation measures (e.g covers and suitable extraction units) are not effective. Provide detailed information of any alternative system and any cost benefit analysis if applicable.**

An offensive odour was identified by all NRW officers at the sludge pit within the site boundary.



Image 2 - showing the sludge pit

### Crude pit

The crude pit was next inspected and was actively receiving effluent from several sources, including effluent from the sludge pit. The crude pit was open with no covering, other than a metal grill. As with the sludge pit, the operator had explored covering the sludge pit in the past but was deemed not practical as daily cleaning needs to take place. See open pits comments and action above under sludge pit. Comments/actions are also relevant to the crude pit.

The crude pit contained thick, lumpy, creamery effluent (Image 3) and an offensive odour was detected at this location (on site) by NRW officers. The operator was asked how the crude pit was cleaned and how often. It was again confirmed that daily cleaning takes place with use of a pressure wash but also with a fat busting chemical powder which is used to break down fats in the effluent. Fat busting powders are used when needed.

### **ACTION – Provide:**

- a) **Details of the ‘fat busting powder’ used, including but not limited to: Brand name, product name, ingredients, and quantities used;**
- b) **Dairy Partners’ assessment of the suitability of this product for use in your effluent treatment process, which assesses the impacts it could have on the functioning of the new effluent treatment plant, including but not limited to, the performance of the treatment processes and achievement of the set emission limits.**



*Image 3 – Crude pit*

### Aeration tank

The aeration tank was inspected next and is located within close proximity to the balance tank and DAF plants. Intermittent odours were detected around the tanks.

The operator confirmed that if there were to be an aeration tank failure, they would contact their contractor “Stepside” to assist with pumping effluent out from the aeration tank. The aeration tank is inspected daily via a visual inspection carried out by a site operative (as well as all other parts of the ETP).

In one isolated location, a slight offensive odour was detected by NRW officers on site at the bottom of the aeration tank.

NB. due to the height of the aeration tank and access only being available via a gantry system, the open top of the tank was not inspected.

#### DAF tanks

The DAF tanks (DAF 1 and 2) were observed and had moveable covers and passive carbon filters in place used to reduce odour emissions. The operator confirmed the filters are regularly cleaned and will be replaced when filters are full. Daily sniff tests are carried out around the DAF tanks, if a strong odour is identified, this is an indication of the filters no longer working and will be changed. **The replacement of filters should be carried out in line with the manufacturer's instructions, and you should not wait until the filter has failed.**

The operator also confirmed that the tanks are completely emptied and cleaned down using a pressure washer on an annual basis.

An offensive odour was detected by NRW officers on site around the DAF tanks.

**ACTION: Provide the manufacturer's instructions for the DAF tank carbon filters, confirm how often the filters should be changed. Provide justification for any deviation from the manufacturer's instructions. You must ensure spare filter(s) are maintained on site to be readily used when a filter change is required.**

#### Sludge tank transfer

A dedicated passive carbon control unit to treat odorous displaced air from the tankers during sludge export operations was observed. The operator talked NRW officer through how the control unit is connected.



*Image 4 – Sludge tanks*

No odour was detected at the sludge tank.

#### LNG refuelling

Officers walked to the area and discussed the LNG refuelling procedures (\* action outstanding to send written procedures to NRW, see previous CAR form actions CAR\_NRW0042732).

The Operator had stacked wooden pallets and erected metal fencing with padded layers on the site boundary to alleviate noise generated from the refuelling process being propagated off site. Officers spoke about how acoustic barriers must be of a certain material and thickness to effectively attenuate noise.

A silent delivery system for the LNG refuelling has been previously determined as BAT and confirmed by the operator. It was discussed on site that the previous silent delivery systems used a gravitational pull that would require supplier to be on site for 4-5 hours. Flo Gas supplier does not offer this delivery method. See CAR\_NRW0043201 for further comments.



*Image 5 – Wooden pallets and padded fencing*

#### Site walkaround to monitor odour

The operator was asked to demonstrate how they undertake a site walkaround for odour and to take NRW officers around the route. The operator confirmed that a daily sniff test is carried out as part of wider site inspection work. The operator has 5 dedicated stop points as part of the whole site walk around route. These stop points include the operator staying at the point for approximately 5 minutes. NRW officers undertook the site walkaround. As previously identified, intermittent offensive odours were identified within the site boundary, particularly around the ETP. The operator stated that the site was fully operational and at full production at the time of the inspection. NRW officers did not detect any odour at locations at the site boundary edge.

The operator confirmed they undertake the site odour walkovers in the mornings as part of their daily checks. As the site operates 24 hours a day and with different activities taking place on site at different times, it was deemed suitable that a morning check would capture different operating scenarios at site. Sniff tests will also be carried out on receipt of an odour complaint.

The operator confirmed that no formal sniff test training has been undertaken by their staff.

Suggestion: NRW officers recommended formal sniff test training is undertaken by staff completing the site walkaround where odour is monitored.

A dedicated routine sniff test is carried out by the HSE Lead once a week.

#### ETP operation monitoring

The operator (including on site operative) was asked to show NRW officers how they monitor operations on site, paying particular attention to odour. The site operative showed NRW officers the various computer systems and checklists used in day-to-day operations and maintenance of the plant. A detailed checklist is available on their computer system which the site operative follows. Engineers follow the same checklist who cover operations in out of hours.

A SCADA system is used on site which help monitor tank levels and the operator will receive phone notifications of any issues.

The plant operator was asked to demonstrate how a high-level alarm on the balance, sludge and aeration tank would be attended to. The operative demonstrated the computer system which displays the levels and activates the alarm determined by pre-set levels. As a back-up, these levels and alarms would also be sent to off-site Dairy Partners staff via phone notifications. The system by which the sludge and crude pit can be diverted to the divert tank was demonstrated. In respect of the sludge tanks, it was stated the plant operative is responsible for booking tankers to remove the sludge. It was confirmed that this is done on a regular basis to ensure levels are low from a spillage perspective, but also to promote shorter residence times and hopefully reduce potential odours.

### **3. Inspection commentary – Office discussions**

#### Sludge pit

The operator was asked to show NRW officers its procedure for inspecting and cleaning of the sludge pit. The operator showed NRW officers the ETP checklist that site operatives used. The sludge pit is inspected 3 times a day and any issues are raised verbally to the HSE Lead or other appropriate staff. On the job training is provided.

**ACTION - Operator to produce and provide a Standard Operating Procedure (SOP) featuring step-by-step guide to how the sludge pit is to be cleaned.**

#### Crude pit

Similar to the sludge pit, the operator showed NRW officers the checklist used to inspect and clean the crude pit. The crude pit is also inspected 3 times a day and problems escalated when needed. Again, it was recommended that a document explain the cleaning procedure is in place, included details of when to use the fat buster.

The operator was also asked to share the waste transfer notes for the removal of the accumulated crude pit waste to an offsite tanker (Stepside transfer contractor). The operator did not have the waste transfer notes to hand.

**ACTION - Operator to produce and provide a Standard Operating Procedure (SOP) featuring step-by-step guide to how the crude pit is to be cleaned.**

**ACTION – Operator to provide waste transfer notes for the removal of accumulate crude pit waste.**

#### Aeration tank

The operator was asked to show NRW officer procedures in relation to third party licenced tankers to remove waste in event of an aeration tank failure. The operator confirmed there was no procedure in place, but they would contact Stepside to empty the tank in such an event. There has never been an aeration tank failure. If there was a pump failure, there is a standby duty available. There will always be an option for effluent to be pushed through/the aeration tank by-passed and effluent sent to the sludge tanks.

#### Sludge tank transfer

The operator confirmed that dedicated passive carbon filter used to treat odorous displaced air from tankers during sludge export was sized by looking at similar operations carried out at another creamery, First Milk. The passive odour control unit is replaced when it stops working effectively. **The replacement of filters should be carried out in line with the manufacturer's instructions, and you should not wait until the filter has failed.**

Th operator showed NRW officers the SOP in place for waste sludge transfer operations (SOP-065). The SOP contains process detail information and confirms transfer operations are supervised by the operator.

**ACTION – Operator to submit SOP-065 to NRW.**

NB SOP-065 should contain information on how the carbon filters have and continue to be appropriately sized for the purpose of abating odours, how the carbon filters are confirmed as continuing to function as designed, as well as how they are to be used when transferring sludge.

**ACTION: Provide the manufacturer's instructions for the sludge tank carbon filters, confirm how often the filters should be changed as recommended by the manufactures. Provide justification for any deviation from the manufacturer's instructions. You must ensure spare filter(s) are maintained on site to be readily used when a filter change is required.**

#### DAF Plant

The operator was asked to present the procedures for inspecting, maintaining and cleaning of the DAF plant (including the carbon filters). This procedure was also part of the wider checklist. Scrapes are washed down to clean sludge build up and daily checks are carried out. Relevant details are included in the updated OMP.

**ACTION – Operator to submit a SOP for the Effluent Treatment Plant (ETP). The SOP must contain, as a minimum, detailed information on the day-to-day running of the ETP as well as contingencies to adequately address malfunctions identified with the**

running of the plant. The SOP must also contain information on the DAF plant including information on how the carbon filters have and continue to be appropriately sized for the purpose of abating odours, how the carbon filters are confirmed as continuing to function as designed.

Site walkaround to monitor odour

Evidence was provided of the procedure for the site walkarounds to monitor odour.

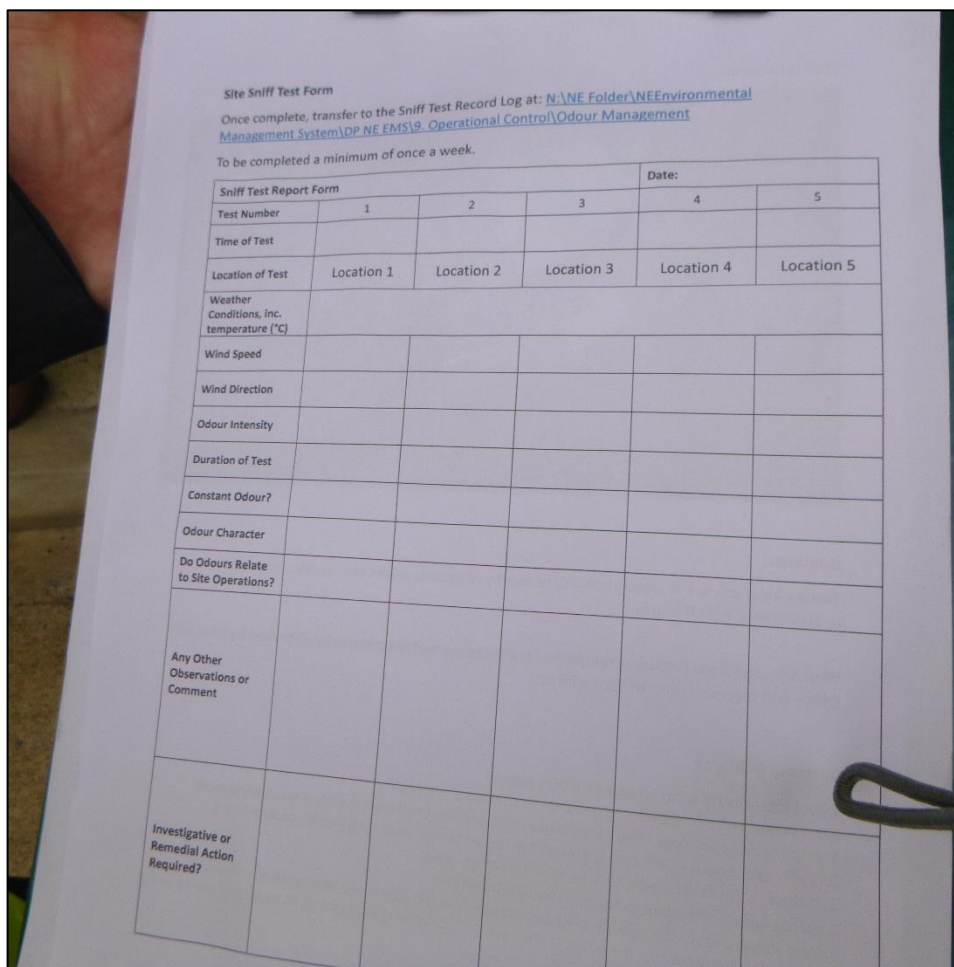


Image 6 – showing operator’s sniff test checklist form

The operator confirmed that no records were made of the daily walkovers and only the dedicated odour sniff test carried out once a week are recorded (or when a complaint is investigated).

Suggestion: NRW officers recommended recording daily walkarounds as evidence. The operator agreed they would start doing this. It was also suggested that the installation of a windsock would help with their investigation work as it will help provided accurate on-site wind direction information.

Incidents and complaints

The operator was asked to show NRW officers the procedure which demonstrates the steps taken when a complaint is received with regards to odour and how they would communicate with complainants.

The relevant information was shared on screen and is contained within the revised OMP. Complaints are recorded and notifications are sent to team leaders/upper management. There is a complaints log in place which was also shared on screen by the operator. The operator noted that they believe odour in the area is a result of slurry tankers spreading on nearby fields.

Engagement with complainants is not something the site regularly undertakes. It was suggested by NRW officers that wider community engagement could be beneficial. The operator confirmed they would consider their community strategy further.

#### Training records

The operator was unable to provide any training records.

**Action – Training records for onsite training (including operational, cleaning and maintenance) to be provided to NRW.**

#### **4. Operation of the ETP without secondary containment**

In previous compliance reports CAR\_NRW0038344 (assessment 29<sup>th</sup> April 2021), the operator was breached for (i) using the new Effluent Treatment Plant and treating process effluent before the permit was varied to authorise the system, and (ii) operating the new system without any appropriate secondary containment provisions in place.

The permit has been varied to reflect the new ETP operations, and includes condition 3.2.3 of environmental permit EPR-WP3231NB which states:

- 3.2.3 All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.

As previously noted to the operator, the secondary containment system must be designed to the *appropriate standards*<sup>1</sup>.

Whilst the permit has been issued to authorise the use of the ETP (based on implementation of a secondary containment lagoon), several tanks including the balance and aeration vessels are single-skinned without secondary containment. The requirement of secondary containment is set out in all EPR Installation permits. These large tanks hold significant capacities of potentially polluting materials that would cause major environmental impacts to the immediate watercourse and surrounding environment if a catastrophic failure were to occur.

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<sup>1</sup> Construction Industry Research and Information Association (CIRIA) C736 – *Containment systems for the prevention of pollution: Secondary, tertiary, and other measures for industrial and commercial premises. Dated 2014 and, Natural Resources Wales Guidance Document – How to comply with your environmental permit. Version 8. Dated October 2014.*

The ETP is sited within a few meters of the Afon Arad, which flows directly to the Afon Teifi. Both are extremely sensitive receptors with the Teifi being a Designated Special Area of Conservation (SAC). Using the ETP without adequate provisions poses a severe potential risk of the Afon Arad and Afon Teifi.

Whilst the operator is waiting on planning consent to be granted for the construction of the proposed secondary containment lagoon, the decision to use the new ETP without secondary containment is a direct breach of permit conditions. At the time of inspection, it was evident that the operator was using the ETP. Due to the level of potential risk, the use of the system without secondary containment is considered a breach of permit condition 3.2.3. In accordance with NRW's compliance scoring guidance, a non-compliance score of C2 should be recorded against sub-criteria IR3B - Emission and Monitoring - Emissions of substances not controlled by emission limits, Condition 3.2.3 of the environmental permit. However, in recognition of the pending planning application approval for the secondary containment, NRW will suspend the non-compliance score for 6 months.

For clarity - In a situation where the permit has been varied to reflect the new ETP operation and planning permission for the ETP granted, the operator will continue to be in breach of condition 3.2.3 if they operate the ETP without it being served by an appropriately designed<sup>1</sup> secondary containment system.

N.B. The operators continued use of the ETP without an appropriately designed secondary containment system in place is against the advice and guidance of NRW and done so at the operator's own risk.

**Action – Provide the ETP plant, associated tankers and pipework with appropriate secondary containment.**

**Summary of actions**

Action	Details	Deadline
1	ACTION 6 of CAR_NRW0042732 captures the requirement for a permit variation and action deadline. Operator to confirm variation submission date to NRW.	See previous CAR form. Operator to confirm variation submission date within 1 week of report issue.
2	Implement the mitigation measures for open pits as recommend by your appointed odour specialists. Provide any justification of why the recommended mitigation measures (e.g covers and suitable extraction units) are not effective. Provide detailed information of any alternative system and any cost benefit analysis if applicable.	14/03/2024
3	Provide: (a) Details of the 'fat busting powder' used, including but not limited to: Brand name, product name, ingredients, and quantities used; (b) Dairy Partners' assessment of the suitability of this product for use in your effluent treatment process, which assesses the impacts it could have on the functioning of the new effluent treatment plant, including but not limited to, the performance of the treatment processes and achievement of the set emission limits.	21/02/2024

## Compliance Assessment Report

4	Provide the manufacturer's instructions for the DAF tank carbon filters, confirm how often the filters should be changed. Provide justification for any deviation from the manufacturer's instructions. You must ensure spare filter(s) are maintained on site to be readily used when a filter change is required.	21/02/2024
5	Operator to produce and provide a Standard Operating Procedure (SOP) featuring step-by-step guide to how the sludge pit is to be cleaned.	21/02/2024
6	Operator to produce and provide a Standard Operating Procedure (SOP) featuring step-by-step guide to how the crude pit is to be cleaned.	21/02/2024
7	Operator to provide waste transfer notes for the removal of accumulate crude pit waste	21/02/2024
8	Operator to submit SOP-065 to NRW NB SOP-065 should contain information on how the carbon filters have and continue to be appropriately sized for the purpose of abating odours, how the carbon filters are confirmed as continuing to function as designed, as well as how they are to be used when transferring sludge.	21/02/2024
9	Provide the manufacturer's instructions for the sludge tank carbon filters, confirm how often the filters should be changed as recommended by the manufactures. Provide justification for any deviation from the manufacturer's instructions. You must ensure spare filter(s) are maintained on site to be readily used when a filter change is required.	21/02/2024
10	Operator to submit a SOP for the Effluent Treatment Plant (ETP). The SOP must contain, as a minimum, detailed information on the day-to-day running of the ETP as well as contingencies to adequately address malfunctions identified with the running of the plant. The SOP must also contain information on the DAF plant including information on how the carbon filters have and continue to be appropriately sized for the purpose of abating odours, how the carbon filters are confirmed as continuing to function as designed.	21/02/2024
11	Training records for onsite training (including operational, cleaning and maintenance) to be provided to NRW.	21/02/2024
12	Provide the ETP plant, associated tankers and pipework with appropriate secondary containment.	14/08/2024

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 in the aspects assessed.
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 – 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.