

Compliance Assessment Report CAR_NRW0044612

Permit being assessed: WP3231NB.

For: The Creamery , **held by:** Dairy Partners (Cymru Wales) Limited

At: Aberarad, Newcastle Emlyn, Carmarthenshire, SA38 9DQ.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 27/06/2024.

Parts of permit assessed: Emissions and monitoring, Information.

NRW Lead Officer: Alex Bowder, accompanied by Kirsty Thomas.

Report sent to: Daryl White, Ashton Daniels, Site Manager, Operations Manager, on 28/06/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3A - Installations - Emissions and monitoring - Emissions to water, air or land	C2 Significant	3.5.1
IR3B - Installations - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	3.2.1
IR4C - Installations - Information - Notification	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
2	35

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	Conduct the monitoring requirements required by condition 3.5.1.	26/07/2024

Criteria	Action needed	Complete by
IR3B	Identify and update the relevant management systems and/or operating procedures with measures identified to prevent foam incidents.	12/07/2024

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

This Compliance Assessment Report (CAR) has been issued in response to the submission of the Q1 2024 monitoring returns (1 January - 31 March) by Dairy Partners (Cymru Wales) Ltd (the operator) for activities at The Creamery, Aberarad, Newcastle Emlyn SA38 9DQ under Environmental Permit EPR-WP3231NB.

Previous CAR Form actions - CAR_NRW0043546

Action	Details	Status
1	Implement measures to ensure all future annual monitoring returns are submitted to NRW within the reporting period specified in the permit.	Complete*
2	Implement measures to ensure all future quarterly monitoring returns are submitted to NRW within the reporting period specified in the permit.	Complete*
3	Ensure all future monitoring and assessments are conducted within the periods specified in permit.	Complete*
4	Conduct the monitoring requirements in-line with condition 3.5.1.	Incomplete
5	The operator must: <ul style="list-style-type: none"> i. submit a Schedule 5 notification detailing the temperature exceedance noted, investigations carried out into the cause and actions taken to address the exceedance, and the corrective measures implemented to prevent reoccurrence ii. if held, continuous temperature data from 4 September 2023 until such time after the sample recorded on 11 September 2023 that the temperature returned to a consistent compliant temperature iii. continuous flow data for the same timescale as part (ii) above. 	Complete
6	Ensure all future breaches of specified permit limits are confirmed by sending a schedule 5 notification to NRW within the time period stipulated.	Complete*

**Based on dialogue with the operator regarding the measures now implemented.*

Q1 Monitoring Returns 2024

The following documents were submitted by the operator to NRW on 29 April 2024 for the Q1 (1 January - 31 March) 2024 monitoring returns:

- Water1 / 31/01/2024
- Water1 / 29/02/2024
- Water1 / 31/03/2024

Reporting of emissions to water (other than to sewer) and land

Water1 / 31/01/2024

For the period 1 to 31 January 2024. The submission for emissions to water is missing information on several parameters for source point W1, namely:

- Biological oxygen demand (BOD), Ammoniacal nitrogen, Nitrite, Total nitrogen, Total phosphorus, Total aluminium and Chloride.

The submission data provided for the maximum daily discharge volume, Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), temperature and pH were within the permitted limits.

Emissions out of W2 for visible oil and grease has been declared as clear. W3 is blocked up and should not present any discharge risk.

Water1 / 29/02/2024

For the period 1 to 29 February 2024. The submission for emissions to water is missing information on several parameters for source point W1, namely:

- Biological oxygen demand (BOD), Ammoniacal nitrogen, Nitrite, Total nitrogen, Total phosphorus, Total aluminium and Chloride.

The submission data provided for the maximum daily discharge volume, Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), temperature and pH were within the permitted limits.

Emissions to W2 for visible oil and grease has been declared as clear.

Water1 / 31/03/2024

For the period 1 to 31 March 2024. The submission for emissions to water is missing information on parameters for source point W1, namely:

- Chloride.

There is no chloride limit listed in the permit, however, it is a requirement to report this parameter monthly.

Action 1: Submit to NRW the chloride emissions data for the Q1 2024 reporting period, as this was not included as part of the Q1 2024 monitoring return submissions.

Emissions to W2 for visible oil and grease has been declared as clear.

The operator has provided reasoning for the lack of monitoring submissions on certain parameters in Q1 2024. This has been attributed to the difficulty in sourcing external contractors to conduct the monitoring in the interim between the operator conducting in-house testing of its wastewater effluent. It is evident that more emission parameters were monitored in the later part of the Q1 2024

period, however, the operator has still failed to fulfil the permitted monitoring requirements for the above parameters mentioned.

As stated in the annual monitoring returns 2023 compliance report CAR_NRW0043546, Table S3.2 of the permit dictates the emission limits and monitoring requirements. NRW have at no point agreed – in writing or otherwise – for the operator to stop its point source emission to water monitoring and to cease submitting results as required by permit conditions until a decision was given with regard to testing in-house.

The site has a permitted discharge point to a sensitive receptor known as the Afon Arad leading to the Afon Teifi, which is classified as a protected Special Area of Conservation (SAC). It is imperative to comply with permit conditions and carry out the monitoring and sampling requirements in accordance with imposed permit conditions to safeguard against the risk of pollution to the environment.

Due to the incomplete emission sampling conducted in Q1 2024 for the parameters listed, the risk of actual or potential impact to the environment via the operator's permitted discharge during this period is partially unknown and, therefore, has been deemed potentially significant.

Compliance breach 1

Permit condition 3.5.1 requires the operator to:

The operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring specified in the following tables in schedule 3 to this permit:

- a. *point source emissions specified in tables S3.1 and S3.2*

The operator has failed to undertake the monitoring specified in Schedule 3, Table S3.2 required by condition 3.5.1 of the permit. This non-compliance has scored a **Category 2** breach.

In accordance with NRW's compliance scoring guidance, a non-compliance score of C2 has been recorded against sub-criteria IR3A.

C2 PERMIT BREACH

IR3A - Emissions and monitoring

Emissions and monitoring, condition 3.5.1:

"The operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring specified in the following tables in schedule 3 to this permit:

- a. *point source emissions specified in tables S3.1 and S3.2"*

In accordance with NRW's non-compliance scoring guidance, the non-compliance scores for the breaches during Q1 2024 reporting period have been consolidated into one non-compliance score.

Action 2: Conduct the monitoring requirements required by condition 3.5.1

Deadline: At the frequencies required by Table S3.2 for the different parameters.

If monitoring is not conducted in-line with permit requirements, then a Statutory Enforcement Notice may be considered to bring operations into compliance.

Q1 submission summary

- The monitoring returns have been submitted using the forms specified in condition 4.2.3 (b), which is compliant with the environmental permit.
- The operator has failed to undertake the monitoring specified in schedule 3 required by condition 3.5.1, which is **non-compliant** with the environmental permit.
- Based on the reports submitted by the operator, where emissions results at the monitoring point were provided, these results appear compliant with the specified limits set in the permit over the Q1 2024 reporting period.

Temperature ELV exceedance - September 2023 | CAR_NRW0043546

As part of the annual return submissions for 2023, the operator provided NRW with monitoring data for the maximum daily temperature reading for the emission to W1. On 11 September 2023, a continuous sample recorded the temperature at a value of 33°C which exceeded the ELV specified in S3.2. NRW requested further information regarding this event in CAR_NRW0043546 (action 5) to better assess the potential impact to the environment.

In May 2024 the operator provided further data to show that this individual temperature reading from September 2023 was an error; therefore, emissions did not exceed the ELV. The outstanding points in action 5 are no longer require.

Schedule 5 Notification

On 29 February 2024 the operator submitted a Schedule 5 Notification to NRW for an incident that took place on 25 February. The operator experienced a foam substance coming from the Effluent Treatment Plant. The incident was initially reported to NRW by a member of the public. This foaming event occurred within the aeration tank where the effluent plant provides oxygen to bacteria for treating and stabilising the wastewater. The foam was caused from excessive oxygen being injected into the base of tank, which generated bubbles in vast quantities until the blower switched itself off.

The operator detailed how the blower malfunction was primarily a sensor issue with the system failing to signal to the aeration tank to turn itself off after its scheduled period of activity. At the time of the event, the operator was instructed by NRW officers to investigate why they were not notified sooner of the blower failure. The operator has since further implemented measures to enhance the reliability and responsiveness of the monitoring systems to prevent foaming incidents from occurring in the future. A software modification has been completed to resolve and correct the blower communications with the controlling IT system.

The foam was cleaned up by the operator immediately after the event, and footage was provided to NRW showing the affected area remediated.

Action 3: Identify and update the relevant management systems and/or operating procedures with measures identified to prevent foam incidents.

Compliance breach 2

In accordance with NRW's compliance scoring guidance, a non-compliance score of **C3** has been recorded against sub-criteria IR3B.

C3 PERMIT BREACH	IR3B - Emissions and monitoring
<p>Emissions of substances not controlled by emission limits, Condition 3.2.1:</p> <p><i>"Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution."</i></p>	

COMPLIANCE SUMMARY

1. The operator has failed to undertake the monitoring specified in schedule 3 required by condition 3.5.1 of the permit. This non-compliance has scored a **Category 2** breach.
2. The operator experienced a system failure causing a substance not controlled by emission limits to exit the effluent treatment plant. This non-compliance has scored a **Category 3** breach.

ACTION SUMMARY

Action	Details	Deadline date
1	Submit to NRW the chloride emissions data for the Q1 2024 reporting period, as this was not included as part of the Q1 2024 monitoring return submissions.	Within 2 weeks of report issue
2	Conduct the monitoring requirements in-line with condition 3.5.1.	At the frequencies required by Table S3.2 for the different parameters
3	Identify and update the relevant management systems and/or operating procedures with measures identified to prevent foam incidents.	Within 2 weeks of report issue

END OF REPORT

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.