

Compliance Assessment Report CAR_NRW0044928

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: 12/08/2024.

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 12/08/2024.

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	Assessed (A)	
IR3B - Installations - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	3.2.1
IR4B - Installations - Information - Reporting	Assessed (A)	
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
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
IR3B	No action required	Already

Criteria	Action needed	Complete by
		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 Q2 2024 monitoring returns (April - June) by Dairy Partners (Cymru Wales) Ltd (the operator) for activities at The Creamery, Aberarad, Newcastle Emllyn SA38 9DQ under Environmental Permit EPR-WP3231NB.

Previous CAR Form actions - CAR_NRW0043546

Action	Details	Status
4	Conduct the monitoring requirements in-line with condition 3.5.1.	Complete

Previous CAR Form actions - CAR_NRW0044612

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.	Complete
2	Conduct the monitoring requirements in-line with condition 3.5.1.	Complete
3	Identify and update the relevant management systems and/or operating procedures with measures identified to prevent foam incidents.	Complete*

**Based on submissions by the operator regarding updated management and communication systems.*

Q2 Monitoring Returns 2024

The monitoring returns in respect of parameters and emission points specified in Schedule 4 Table S4.1 are required to be submitted to NRW within 28 days of the end of the reporting

period as required by Condition 4.2.3. The operator submitted the Q2 2024 monitoring returns to NRW on the 25 July 2024 within the specified reporting window as per condition 4.2.3.

The following documents were submitted by the operator to NRW on 25 July 2024 for the Q2 (April-June) 2024 monitoring returns:

- Water1 / 16/05/2023 (forms covering reporting period from 01/04/2024 – 30/04/2024, 01/05/2024 – 31/05/2024 and 01/06/2024 – 30/06/2024)

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

Water1 / 01/04/2024 – 30/04/2024

For the period 1 to 30 April 2024, the submission for emissions to water provided data for the maximum daily discharge volume, Biological Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Ammoniacal Nitrogen, Nitrite, Total Nitrogen, Total Phosphorus, Total Aluminium, Temperature, pH and Chloride. All parameters 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 / 01/05/2024 – 31/05/2024

For the period 1 to 31 May 2024, the submission for emissions to water provided data for the maximum daily discharge volume, Biological Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Ammoniacal Nitrogen, Nitrite, Total Nitrogen, Total Phosphorus, Total Aluminium, Temperature, pH and Chloride. All parameters 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 / 01/06/2024 – 30/06/2024

For the period 1 to 30 June 2024, the submission for emissions to water provided data for the maximum daily discharge volume, Biological Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Ammoniacal Nitrogen, Nitrite, Total Nitrogen, Total Phosphorus, Total Aluminium, Temperature, pH and Chloride. All parameters 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.

All monitoring returns were submitted in-line with the permitted requirements. Based on the reports submitted by the operator, the monitoring data submitted is within the compliance parameters specified within the permit.

Dairy Partners have completed the Q2 2024 monitoring in-line with Condition 3.5.1.

Schedule 5 Notification

On 15 April 2024, the operator submitted a Schedule 5 Notification to NRW for an incident that took place on the 13 April 2024. The operator experienced a foam substance coming from the Effluent Treatment Plant similar to an incident that occurred in February 2024. This incident relates to the aeration tank blower malfunction which caused more oxygen in the aeration tank. This foaming

event occurred following the site experiencing a power dip which knocked out email communications with the ETP. The operator has implemented a fail-safe measure by means of an Ewon WIFI Sim card that allows notifications to be sent via telephone reception. The operator confirmed that the incident was contained and cleaned in a swiftly manner, and provided time-stamped photographic evidence to NRW illustrating this. Therefore, no further action is required at this time.

Compliance breach 1

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
Emissions of substances not controlled by emission limits, Condition 3.2.1:	
<i>"Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution."</i>	

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.