

## Compliance Assessment Report CAR\_NRW0045561

**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:** Report/Data Review,

**Reason:** Routine.

**On:** 05/11/2024.

**Parts of permit assessed:** Condition 2.4.1, Table S1.3, Improvement Condition 9. Condition 1.1..

**NRW Lead Officer:** Kirsty Thomas.

**Report sent to:** The First Milk Cheese Company Ltd, HSE Manager, on 05/11/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2E - Installations - Operations - Improvement programme	Assessed (A)	
IR1A - Installations - Management - General Management	Action only (X)	
IR1A - Installations - Management - General Management	Action only (X)	
IR1A - Installations - Management - General Management	Action only (X)	
IR1A - Installations - Management - General Management	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
0	0

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
IR1A	Action 1 – Review and update the site’s Accident Management Plan for the ETP in line with the requirements of NRW’s “How to comply with your environmental permit” guidance. Submit an updated version for NRW review and agreement.	30/11/2024
IR1A	Action 2 – Update relevant documentation to reflect an annual requirement for CCTV inspection of the sites effluent drainage system. Detailed information on how the drainage integrity inspection regime is determined and a schedule for these checks must be in place.	30/11/2024
IR1A	Action 3 – First Milk to update all relevant documentation including (but not limited too) the Creamery’s Accident Management Plan, Emergency Plan and Emergency Preparedness Plan with detailed information of how the site has minimised and mitigated an ammonia leak from the ammonia plant. The plans must detail how such an event would be managed including how First milk will deal with the containment and management of ammonia in recovery/disposal processes following an incident. Documentation must also provide details of liaison with other relevant authorities. *Action 3 will be picked up as part of ongoing OMP work relating to IC7.	30/11/2024
IR1A	Action 4 - A relevant auditing procedure document/schedule and folder should be added to the EMS folder, including copies of records of the auditing works undertaken.	30/11/2024

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.

**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

**Improvement Condition 9 – Environment Management System (EMS) updates which incorporate recent changes made to the Effluent Treatment Plant (ETP) Process.**

First Milk submitted a response with regards to Improvement Condition 9 (IC9). An additional response with updated documentation was further submitted to reflect the change in ETP operator to Aqua Operations Limited (AOL).

**Documents received:**

- First Milk Haverfordwest ETP BCIMP
- Haverfordwest Monitoring and Control Document Nov-23
- Business Performance System Index
- Aqua Operations Ltd - ISO 14001-2015 Certificate

NRW reviewed the submitted documents and provided a response requesting further information on the 24<sup>th</sup> of May 2024. It was noted in this response that since the submission of the EMS associated documents for IC9, there has been changes to the ETP operation on site. First Milk has reverted back to using Membrane Bio-Reactor units (MBRs) and have ceased use of the secondary Dissolved Air Flotation (DAF) unit. NRW made comment at this time that changes to the ETP will be required to be fully detailed in the pending permit variation submission to be agreed with NRW. However, pending a permit variation determination, key MBR management arrangements should be provided in an updated response to IC9. In response, First Milk submitted a folder with an extensive list of EMS associated documentation (*AOL EMS docs for NRW 2024.06*) to address NRW's comments.

The folder provided included an extensive list of EMS associated documents (for ETP operations only, not the whole Creamery) including:

- Operational control documents.
- Standard Operating Procedures (SOPs) for the ETP (including individual SOPs for different elements of the ETP e.g., DAF plant, ASP lanes, MBR plant, sludge management etc).
- Key EMS documentation:
  - ETP Accident Management plan
  - ETP Business Continuity and Incident Management Plan
  - ETP Emergency Plan
  - ETP Emergency Preparedness Plan
  - ETP EMS system
  - ETP Monitoring and Control Document
  - ETP Site Closure Plan
  - ETP Ways of Working
- Training
- ETP lab (including laboratory analysis method, calibrations and internal QC).
- Sampling Schedules
- NRW Permit Information
- Business Planning Strategy

As there are many detailed documents listed, NRW has not undertaken a full detailed audit of all documents.

**Summary**

Detailed comments provided by NRW previously regarding the *ETP Business Continuity & Incident Management Plan* and the *ETP Monitoring and Control document* have been acknowledged by First Milk and the documents have been updated.

It is noted that the BCP&IMP documentation has been updated to list the risk of flocculant discharge and biofilm growth and discharge from the outfall along with mitigation measures in place. Other documentation has also been made available that address other comments made e.g., a separate Accident Management Plan and Emergency Plan is also available and in place.

The Accident Management Plan does not meet all the requirements as set out in “*How to comply with your environmental permit*” guidance – [How to comply with your environmental permit \(naturalresources.wales\)](#) (see accidents and incidents section). This guidance contains information on matters that will be important your site that have not been considered in the document (e.g., planning drills or exercises to test your accident and emergency procedures etc). Other incidents such as extreme weather (events such as drought, heat waves, strong winds, snow or extreme cold) must also be considered along with inclusion of a site plan identifying location of emergency kits or equipment for fire, spill kits and drain caps plans etc should also be included.

**Action 1 – Review and update the site’s Accident Management Plan for the ETP in line with the requirements of NRW’s “*How to comply with your environmental permit*” guidance. Submit an updated version for NRW review and agreement.**

NRW previously made a comment regarding the requirement for First Milk to update documents to include details of the site’s drainage network survey plans. First Milk have previously proposed annual CCTV inspection of the effluent line. CCTV surveys must be undertaken at least annually (or following changes to the network) to ensure the integrity of the drainage network and as part of biofilm management. The AMP quotes that “*the drainage system is regularly inspected and maintained*”. First Milk must justify the inspection and maintenance requirements based on the credible degradation rates and mechanisms expected.

**Action 2 – Update relevant documentation to reflect an annual requirement for CCTV inspection of the sites effluent drainage system. Detailed information on how the drainage integrity inspection regime is determined and a schedule for these checks must be in place.**

As noted, the AMP provided only reflects operations at the ETP, not the whole site. Recent discussions regarding other accident and emergency scenarios at the Creamery itself need to be accounted for in the relevant management documentation for the Creamery activities. The ammonia plant and the potential for an ammonia leak on site has been identified as an area of concern (in relation to recent discussions for IC7 odour management plan). An ammonia leak scenario needs to be captured in relevant documentation such as the sites Accident Management Plan, Emergency Plan and Emergency Preparedness Plan.

First Milk must review suitable mitigation measures to minimise the release of ammonia, especially during a significant leak. Suitable mitigation measures must be implemented at site.

**Action 3 – First Milk to update all relevant documentation including (but not limited too) the Creamery’s Accident Management Plan, Emergency Plan and Emergency Preparedness Plan with detailed information of how the site has minimised and**

**mitigated an ammonia leak from the ammonia plant. The plans must detail how such an event would be managed including how First Milk will deal with the containment and management of ammonia in recovery/disposal processes following an incident. Documentation must also provide details of liaison with other relevant authorities. \*Action 3 will be picked up as part of ongoing OMP work relating to IC7.**

First Milk have made updates to the *ETP Monitoring and Control* document in particular including details on management control of out of spec effluent, contingency plans and maintenance plans. Maintenance is separated into 4 categories, Planned Preventative Maintenance (PPM), Reactive Maintenance (RM), Forward looking Maintenance (FLM), and Continuous water Monitoring (CWM's). Further details on irregular and uncontrolled discharges to the ETP are also included.

The information provided through several documents includes key updates required such as ETP changes back to MBRs, and all documentation has been updated to reflect the current ETP operator as AOL. Information on the newly installed MBRs is detailed in many documents as required. Site plans and drawings have also been updated to reflect this change (as previously noted, this change needs to be formally agreed through a permit variation).

Information is available detailing AOLs and First Milk's communication plan and specifies relevant roles and responsibilities on site which was previously raised as a concern.

Incident Reporting and Investigation Procedure BPS 5-6-1 is referenced in documentation shared but no copy was available for review.

Documents have also been updated with regards to review frequency. Documents are reviewed annually or following a significant process or personnel Change.

It is acknowledged that AOLs EMS is certified to ISO 14001. First Milk follow the ISO 14001 standards and now have external audits undertaken but are not externally accredited. First Milk confirmed via email that external compliance assessments of the site now take place using an external consultant.

**Action 4 - A relevant auditing procedure document/schedule and folder should be added to the EMS folder, including copies of records of the auditing works undertaken.**

**Overall, information provided demonstrates how the ETP operations are managed and the working relationship between AOL and First Milk. EMS documents have been updated to reflect changes in the ETP operation and therefore the information satisfies the requirements of IC9 (following the sign off of actions 1,2 and 4).**

**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](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.