

Compliance Assessment Report CAR_NRW0045751

Permit being assessed: WP3231NB.

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

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

Type of assessment: Site Inspection,

Reason: Routine.

On: 03/12/2024 between 10:20 and 13:30.

Parts of permit assessed: Conditions 3.1.1, 3.3.1, 3.4.1.

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

Report sent to: Dairy Partners (Cymru Wales) Limited, Operations Manager, on 16/12/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3D - Installations - Emissions and monitoring - Noise and vibration	Assessed (A)	
IR3C - Installations - Emissions and monitoring - Odour	Assessed (A)	
IR3B - Installations - Emissions and monitoring - Emissions of substances not controlled by emission limits	C2 Significant	Condition 3.2.3

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

Total non-compliances recorded	Total non-compliance score
1	31

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	provide the ETP plant, associated tankers and pipework with appropriate secondary containment	28/01/2025

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) details the comments of Natural Resources Wales (NRW) Officers for the site inspection conducted on December 3rd 2024 at The Creamery, Aberarad, Newcastle Emlyn SA38 9DQ for activities by Dairy Partners (Cymru Wales) Limited (the operator) under Environmental Permit **EPR-WP3231NB**.

This CAR also provides a summary of several outstanding and ongoing compliance matters documented in previous CAR forms (see Sections 4 and 5 below for more detail).

Attendees

- Senior Regulation Officer, NRW
- Lead Specialist Industry Regulation, NRW
- Site Manager, Dairy Partners
- Operations Manager, Dairy Partners
- Group Operations Director
- Environmental Consultant - Environmental Compliance Limited (Wales) (ECL).

1. Site Inspection purpose

The site inspection purpose was to inspect noise sources present on site and the current mitigation measures in place used to help minimise noise pollution. An overview of noise sources on site was requested by NRW Officers to assist with the ongoing Improvement Condition (IC) work (IC21b - Best Available Techniques (BAT) review assessment of the noise pollution from the whole installation).

The purpose of the visit was also to inspect and better understand the site drainage arrangements across the site.

2. Inspection commentary

At 10:20 NRW Officers arrived at the site office where they were met by Dairy Partners staff and their environmental consultant. Officers signed in and headed to the office where the visit agenda was discussed between parties.

2.1 Noise

The operator has recently undertaken a BAT noise audit assessment for the site. The purpose of the BAT review was to help establish the BAT measures already being implemented on site and where further improvements to the noise control techniques (in line with BAT) can be made, including a timetable for improvement implementation. This requirement is set out in the sites environmental permit EPR/WP3231NB, IC21b.

The operator has recently submitted a response for part of IC21b and submitted the

following document: 240916 - *The Creamery Aber-arad - BAT Noise Audit prepared by ParkerJones Acoustics Limited*. A detailed review has not yet been undertaken of the submitted document. NRW will review and provide further comments in due course.

As discussed, the purpose of the visit was to inspect the noise sources present on site (and as identified in the BAT Noise Audit report) and the current mitigation measures in place to assist NRW Officers with the ongoing Improvement Condition work.

A site tour was undertaken with several noise sources inspected. Some noise sources observed on site included the following:



Image 1. Whey dispatch pump

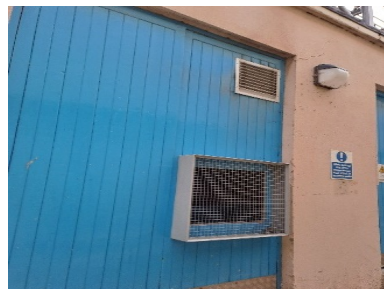


Image 2. Compressor room exhaust



Image 3. Side of compressor room



Image 4. Chillers x3, glycol pumps adjacent



Image 4. Pump house (within a building)

The chillers screw compressors and glycol pump were installed previously with acoustic insulation/lagging. Further improvements to this area such as a full enclosure/roof were discussed and the benefits this may have in reducing noise pollution. Further information to be provided in Dairy Partners implementation plan as part of IC21b.

The compressor room exhaust was also discussed with the operator. It was not clear if this noise source had been identified as a noise source previously or included in the BAT review assessment, however, Dairy Partners staff confirmed this has been identified as an area that will undergo improvement work. Further information to be provided in Dairy Partners as part of IC21b which will undergo a review by NRW.

An array of noise generating sources at the Effluent Treatment Plant area (ETP) (e.g. pumps, blowers) were observed:



Image 5.

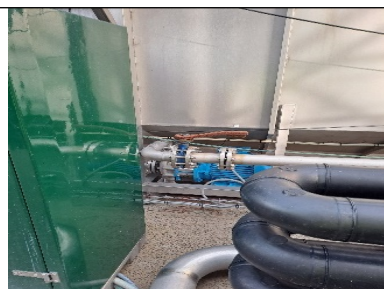


Image 6.



Image 7.



Image 8.



Image 9.



Image 10.

The cooling tower pumps were partially enclosed which provided some benefit to nearby receptors as shown in image 11 and 12:



Image 11.



Image 12.

During the inspection, continual tonal noise was heard within the site boundary thought to be primarily generated by the chillers, glycol pumps, compressor room exhaust/vent and cooling tower pumps. Noise was perceived to be the loudest within the centre of the site in the vicinity of the chillers, glycol pump and compressor room. The continual tonal noise was heard at the south east rear gate (ETP tanker entrance) but at a lower intensity.

Milk tanker deliveries were being undertaken on site at the time of the visit with noise being generated from engine idling and pumps. The operator informed NRW officers that certain milk tankers require their engines to be left on during delivery/pumping to function. The operator explained that deliveries were limited to daytime only and the milk tankers that require their engines to be left on (and therefore noisier) are to deliver milk furthest away from the site boundary fence.

No LNG delivery or ETP tankering was carried out during the site inspection. The operator

discussed the proposed improvements planned for the LNG delivery area, including a permanent noise barrier. Use of the LNG delivery system has been discussed in previous CAR forms CAR_NRW0043201 and CAR_NRW0044524. The operator is to only complete Liquefied Natural Gas (LNG) refuelling using the techniques and manner described in the documentation within permit table S1.2 operating techniques until such a time that alternative techniques and manners are agreed through a permit variation.

Further work will shortly be undertaken to review and agree the requirements of IC21b in relation - Noise BAT audit and implementation plan.

2.2 Drainage

The operator provided NRW Officers with an overview of drainage set up across the site.

The site has a series of drainage routes/pipe with a combination of above and below ground networks. The ETP is one area that has both above and below ground drainage pipes. Treated effluent from the ETP is piped to a sump where treated effluent is pumped through to emission point W1. The W1 outfall which discharges at the Afon Teifi was not inspected during this visit.



Image 12. ETP effluent to sump



Image 13. Pipe system from ETP area to underground pipe out to emission point W1

The site's environmental permit allows for the discharge of uncontaminated surface water run-off from clean yards and roofs via emission points W2 and W3 (discharge to the Afon Arad). Dairy Partners informed NRW Officers that emission point W2 is only used infrequently and is for the discharge of clean uncontaminated water. Dairy Partners also informed NRW Officers that emission point W3 is capped off.

The site has a series of drainage networks and colour coded drains are used across the site e.g blue for stormwater runoff. Storm water drainage areas including the area in front of the boiler house has a drainage system connected to the storm water lagoon which is discharged into the ETP. Drains within the milk intake yard are also directed to the ETP.

It is NRW's understanding that daily visual inspections of the drain slots are routinely carried out by staff. No blockages were observed at the time of inspection.

Drainage system integrity is an important aspect of the site's pollution prevention requirements. The operator has recently submitted a CCTV drainage survey which will be reviewed in due course.

A more in depth audit will be carried out by NRW and further information regarding drainage integrity will form discussions around the site condition Improvement condition IC23.

3. Site inspection summary

Overall the site inspection provided NRW Officers with additional information to support with ongoing compliance work. Further compliance checks will be carried out in relation to both noise and drainage which formed the basis of this site inspection.

No distinct/strong odours were detected by NRW Officers within the site itself or outside the site boundary during the visit.

4. Ongoing compliance matters

Action 12 of CAR_NRW0043321 requires Dairy Partners to provide the ETP plant, associated tankers and pipework with appropriate secondary containment (see Section 5 below).

Construction of secondary containment is a requirement of a long standing and active Regulation 36 Notice. The continued use of the ETP without appropriate secondary containment in place is an ongoing non-compliance. This continued use of the ETP without adequate containment has been assessed as a non-compliance score of C2 which will 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. This is in accordance with NRW's compliance scoring guidance.

5. Previous CAR form actions

There have been several open actions requested from previous CAR forms that the operator has been working through.

It is NRW's expectation that initial deadlines are met. Extensions are not guaranteed and may lead to the use of Notices to obtain the relevant information or to complete certain actions. Failure to comply with the Environmental Permitting (England and Wales) Regulations (2016) (as amended) Notices may result in an enforcement response.

The following provides a summary of actions to date, **please note the actions that remain open and revised deadlines included:**

CAR_NRW0042732 - 19/10/2023

Action	Details	Deadline date
1	The operator must store all potentially polluting liquids in an area that can safely contain any spill or leak with suitable impermeable status.	Complete
2	Provide evidence of drainage system checks, drain CCTV surveys, and stress tests conducted in last 3 years to NRW.	Active - CCTV surveys recently supplied but no information in relation to drainage system checks and stress test conducted in the last

		3 years provided - Deadline 13/01/2025
3	Produce and implement a management procedure for LNG refuelling that reflects the current fuel delivery system and addresses noise prevention control measures.	Superseded by actions 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.	Complete*
5	The operator must ensure that all spills of polluting substances are prevented as far as reasonably practicable and cleaned up immediately.	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.	Complete
7	The operator must provide all potentially polluting liquids with appropriate secondary containment.	Complete**

*Action was specific to transmission pipework associated with the chemical storage tanks. Operator confirmed that this will be addressed with the installation of the Secondary Containment Lagoon (SCL).

** NRW site inspection on 18 December 2023 where Officers confirmed action completed by operator. Waste containers moved onto appropriate surfacing. This is only in relation to chemicals stored in borehole pump house.

CAR_NRW0042658 - 20/10/2023

Action	Details	Deadline
1	An accurate and legible as-build plan showing the site's drainage infrastructure must be referenced in the site's AMP. A copy of the drainage plan must also be held on site	Complete
2	Annual checks of the site's drainage system must be undertaken and by qualified persons. This is to ensure the site's drainage systems are intact (i.e not leaking).	Ongoing

CAR_NRW0043321 - 18/12/2023

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.	Complete
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.	Active - Reg 61 Notice issued for cost benefit analysis of open pits - Deadline 31/01/2025

3	<p>Provide:</p> <p>(a) Details of the 'fat busting powder' used, including but not limited to: Brand name, product name, ingredients, and quantities used;</p> <p>(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.</p>	Complete
4	<p>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.</p>	Complete
5	<p>Operator to produce and provide a Standard Operating Procedure (SOP) featuring step-by-step guide to how the sludge pit is to be cleaned.</p>	Complete
6	<p>Operator to produce and provide a Standard Operating Procedure (SOP) featuring step-by-step guide to how the crude pit is to be cleaned.</p>	Complete
7	<p>Operator to provide waste transfer notes for the removal of accumulate crude pit waste</p>	Complete
8	<p>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.</p>	Complete
9	<p>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.</p>	Complete
10	<p>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.</p>	Complete
11	<p>Training records for onsite training (including</p>	Complete

	operational, cleaning and maintenance) to be provided to NRW.	
12	Provide the ETP plant, associated tankers and pipework with appropriate secondary containment.	Active - In line with Regulation 36 requirement

CAR_NRW0043201

Action	Details	Deadline
1	Operator to only complete Liquefied Natural Gas (LNG) refuelling using the techniques and manner described in the documentation within permit table S1.2 operating techniques until such a time that alternative techniques and manners are agreed through a permit variation.	Active

CAR_NRW0044444

Action	Details	Deadline
1	Submit a written response to NRW for approval as required by table s1.3 for IC24.	Complete

AR_NRW0044524

Action	Details	Deadline
1	(a) Undertake a fire risk assessment for the storage of multiple stacks of wooden pallets within the LNG refuelling area. Submit findings to NRW for review. (b) Update the site's Environmental Management System (EMS), including your accident management plan to account for the risk of fire from your current storage of wooden pallets.	Active - Provide updated version as requested and discussed during site inspection visit 03/12/2024. Deadline 13/01/2025
2,3	Operator to only complete Liquefied Natural Gas (LNG) refuelling using the techniques and manner described in the documentation within permit table S1.2 operating techniques until such a time that alternative techniques and manners are agreed through a permit variation.	Active
4	(a) The operator must implement appropriate measures to minimise odour emissions from the sludge tank vents. The operator must provide detailed information and evidence of the suitable appropriate measure implemented to NRW for review and agreement (including specification drawings/figures of the sludge tanks vents and abatement measures). (b) The operator must identify any other potential odour sources on site elsewhere and	Part a complete. Part b ongoing as part of OMP work - IC20

	implement appropriate measures as required. The review and assessment details of this investigation must be submitted to NRW (updates to the sites Odour Management Plan will also be required).		
<u>END</u>			

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.