

Compliance Assessment Report CAR_NRW0045683

Permit being assessed: CB3091HY.

For: Llangadog Pet Foods Plant, **held by:** United Petfood UK Limited

At: Tywi Valley Food Park, Station Road, Llangadog, SA19 9LY.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 07/10/2024.

Parts of permit assessed: Permit conditions 3.1, 3.5.1a, 4.2.1, 4.2.3, 4.3.2.

NRW Lead Officer: Benjamin Taylor.

Report sent to: Compliance Manager , United Petfoods (UK) Ltd, on 12/12/2024.

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	Permit condition 3.1.2.
IR3A - Installations - Emissions and monitoring - Emissions to water, air or land	C3 Minor	Permit condition 3.1.2.
IR3E - Installations - Emissions and monitoring - Monitoring	C3 Minor	Permit Condition 3.5.1.
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
3	39

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	Operator is to submit a permit variation by no later than the specified date within this CAR. Failure to do so may result in enforcement action being undertaken.	31/03/2025
IR3A	Ensure discharged water is compliant with the ELVs specified within Schedule 3b: Table S3.2.	12/12/2024
IR3E	Operator is to ensure that future monitoring is undertaken as it is specified within Schedule 3b: Table S3.2.	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

Introduction

This Compliance Assessment Report (CAR) is an assessment of Monitoring Data and associated Schedule 5 Notifications submitted by United Petfoods UK Ltd (the Operator), which covers the Quarter 2 (Q2) and Quarter 3 (Q3) - April to September 2024 inclusive.

Scope

The following monitoring returns and reports have been assessed within this Compliance Assessment Report (CAR):

- UPF Reporting CB3091HY Q2 01.04.24 to 30.06.24.
- UPF Reporting CB3091HY Q3 01.07.24 to 30.09.24.
- Schedule 5: Notifications.

Quarter 2 2024 Monitoring Returns - Emissions to Water

The installation currently has one permitted discharge point to controlled waters, referenced S1 within Schedule 7 of the permit. The returns for reporting of sampling and analysis of emissions to water (other than sewer) for the period Q2 2024 were submitted on the 4th of July 2024.

This data was sent within the reporting period (28 days), which is **compliant** with permit condition 4.2.3.

Maximum Permitted Discharge

Throughout the duration of Q2 monitoring period, there has been a reported total of nineteen exceedances of the permitted Maximum Daily Discharge Volume (1000m³). These are outlined within Table 1 below.

Date	Time	Parameter	Measured Value
April			
02/04/2024	23:57	Maximum Daily Discharge Volume	1178.70m ³
03/04/2024	23:59	Maximum Daily Discharge Volume	1140.58m ³
04/04/2024	23.57	Maximum Daily Discharge Volume	1198.50m ³
09/04/2024	23.57	Maximum Daily Discharge Volume	1460.50m ³
10/04/2024	23.57	Maximum Daily Discharge Volume	1261.41m ³
11/04/2024	23.57	Maximum Daily Discharge Volume	1058.73m ³
16/04/2024	23.57	Maximum Daily Discharge Volume	1124.85m ³
17/04/2024	23.57	Maximum Daily Discharge Volume	1460.50m ³
18/04/2024	23.57	Maximum Daily Discharge Volume	1211.99m ³
24/04/2024	23.57	Maximum Daily Discharge Volume	1163.69m ³
25/04/2024	23.57	Maximum Daily Discharge Volume	1134.46m ³
May			
08/05/2024	23:57	Maximum Daily Discharge Volume	1148.48m ³
14/05/2024	23:57	Maximum Daily Discharge Volume	1255.52m ³
22/05/2024	23:57	Maximum Daily Discharge Volume	1158.76m ³
23/05/2024	23:57	Maximum Daily Discharge Volume	1158.76m ³
28/05/2024	23:57	Maximum Daily Discharge Volume	1127.35m ³
June			
05/06/2024	23.57	Maximum Daily Discharge Volume	1081.48m ³
25/06/2024	23.57	Maximum Daily Discharge Volume	1147.57m ³
26/06/2024	23.57	Maximum Daily Discharge Volume	1212.26m ³

Table 1: List of exceedances of Maximum Daily Discharge Volume noted throughout Q2 2024

The Operator has a history of repeat exceedances of the permitted Maximum Daily Discharge

Volume. This is the result of combined drainage infrastructure which channels both surface water, treated effluent and process water through the MCERTS flow meter prior to its discharge into controlled waters. In previous reporting periods, the Operator has attributed the main cause behind the maximum daily discharge breaches as rainfall, in these instances the Operator provides weather station graphs that illustrates days in which heavy rainfall has occurred to correspond with 'breach days'. It is noted in this reporting period, the Operator has attributed the aforementioned breaches to alternative reasons.

In Q2 2024, a number of exceedances (*2nd of April 2024, 10th of April 2024, 11th of April 2024, 24th of April 2024, 25th of April 2024, 22nd of May 2024 and 5th of June 2024*) have been attributed to product blowing during retort cooking, which required contaminated retort water (which is usually stored) being diverted to the Effluent Treatment Plant (ETP) for cleaning. In addition, exceedances on the *17th of April and 18th of April 2024* were identified to be due to an issue with the retort water not cooling the product correctly, which ultimately led to an increased usage of water.

On the 14th of May 2024, NRW requested additional information surrounding the perceived issues with the retort water. The Operator responded on the same day indicating that the blowouts occurred due to a number of reasons i.e. *'from seasonal variation with ingredients or different suppliers e.g. higher fat content can cause the recipe to be unstable. Product may blow during production trials for new recipes. Our customer base is expanding and we currently trial 3 new recipes on average, each week.'* In regards to the cooling issue, this was due to an 'issue with one of the retorts cooling cycles, NRW were informed at the time of the email that this had been already been rectified.

The Operator has also provided the following causes for some of the aforementioned breaches:

- *8th of May 2024, 22nd of May 2024, 23rd of May 2024, 25th of June 2024 and 26th of June 2024.*
 - Manufacturing of products that require greater volumes of cooling water.
- *28th of May 2024.*
 - Two production line in operational resulting in increased volumes of washdown water.
- *14th of May 2024.*
 - Extensive cleaning of production and ETP areas in preparation for BRC Global Standard for Food Safety (BRCS) audit.

Review of the causes provided by the Operator are indicative of an increase in production at the Installation, which is currently operating on a 24 hour – 4 day a week schedule. Regardless of the reasons for the permit non-compliances, it is the operator's responsibility to comply with permit

conditions and if appropriate seek to vary their permit. Previous CARS have outlined the requirement of a permit variation and included this as CAR actions. The Operator has failed to meet these deadlines despite repeated extensions.

Schedule 3b: Table S3.2 of the permit, which covers point source emissions to water specifies that:

Maximum daily discharge volume shall not exceed:
1000 m³/day

Permit condition 3.1.2 below states:

'The limits given in schedule 3 shall not be exceeded.'

Compliance:

In accordance with non-compliance scoring guidelines, the non-compliance scores for the aforementioned breaches will be consolidated into one non-compliance score. This score will be attributed within the Q3 2024 section of this CAR.

Biological Oxygen Demand (BOD)

Point source emissions to water and the associated Emission Limit Values (ELVs) are contained within Schedule 3b: Table S3.2 of the permit.

Date	Parameter	Measured Value	ELV
17/04/2024	Biological Oxygen Demand	64.3mg/l	40mg/l

Table 2: Biological Oxygen Demand Exceedance in Q2 2024

On the 17th of April 2024, there was an exceedance of the Emission Limit Value (ELV) for BOD with a reported figure of 64.3mg/l.

An investigation conducted by the Operator suggested that the cause behind the breach was potentially the result of groundworks being undertaken onsite leading to the entry of soil into the drainage network.

Compliance:

For the above breach, a non-compliance score of C3 against criteria IR3A has been allocated to this breach of permit condition 3.1.2.

Action:

Ensure discharged water is compliant with the ELVs specified within Schedule 3b: Table S3.2.

Schedule 5 Notifications: Q2 2024 (01/04/2024 – 30/06/2024)

The Operator submitted six Schedule 5 Notifications throughout Q2 2024, which related to nineteen exceedances of the maximum daily discharge volume (treated effluent) and BOD limits at emission point S1 to the Afon Tywi.

The Schedule 5 Notification for April was submitted on the 8th of May 2024 detailing all breaches for the previous month. On the 14th of May 2024, NRW advised that Schedule 5 Notifications were submitted separately and within the specified timeframes for each exceedance, the Operator has since applied this advice and is now **compliant** with permit requirement 4.3.2 for the Q2 2024 submission.

Quarter 3 2024 Monitoring Returns - Emissions to Water

The returns for reporting of sampling and analysis of emissions to water (other than sewer) for the period Q3 2024 were submitted on the 7th of October 2024.

This data was sent within the reporting period (28 days), which is **compliant** with permit condition 4.2.3.

Maximum Permitted Discharge

Throughout the duration of Q3 monitoring period, there has been a reported total of fifteen exceedances of the permitted Maximum Daily Discharge Volume (1000m³). These are outlined within Table 3 below.

Date	Time	Parameter	Measured Value
July			
10/07/2024	23:57	Maximum Daily Discharge Volume	1123.43m ³
11/07/2024	23:57	Maximum Daily Discharge Volume	1107.25m ³
16/07/2024	23.57	Maximum Daily Discharge Volume	1220.61m ³
17/07/2024	23.57	Maximum Daily Discharge Volume	1326.53m ³

23/07/2024	23.57	Maximum Daily Discharge Volume	1210.12m ³
August			
07/08/2024	23:57	Maximum Daily Discharge Volume	1016.09m ³
08/08/2024	23:57	Maximum Daily Discharge Volume	1017.67m ³
13/08/2024	23:57	Maximum Daily Discharge Volume	1147.99m ³
20/08/2024	23:57	Maximum Daily Discharge Volume	1088.31m ³
September			
03/09/2024	23.57	Maximum Daily Discharge Volume	1217.45m ³
05/09/2024	23.57	Maximum Daily Discharge Volume	1006.13m ³
12/09/2024	23.57	Maximum Daily Discharge Volume	1101.08m ³
17/09/2024	23.57	Maximum Daily Discharge Volume	1008.49m ³
19/09/2024	23.57	Maximum Daily Discharge Volume	1016.06m ³
26/09/2024	23.57	Maximum Daily Discharge Volume	1330.03m ³

Table 3: List of exceedances of Maximum Daily Discharge Volume noted throughout Q3

The Operator has reported that a significant number of these breaches are the result of Chunk production, which requires a greater volume of water during its manufacture i.e. for cooling. In conjunction with this, it has also been noted that there has been an increased number of production line washdowns, which on the 17th of July, 23rd of July, 13th of August 12th of September and 19th of September 2024 occurred multiple times in a single day. The Operator has informed NRW that these washdowns were triggered by recipe/species changes to meet customer requirements.

Furthermore, it was specified within the Notifications submitted by the Operator that the effluent treatment process takes 24 hours to complete before discharge. This has been reported to lead to a 'knock on effect' impacting the following day from the accumulation of effluent arising from rainfall events and site activities occurring in the days leading up to the 'breach day'.

NRW considers the reasoning behind the aforementioned breaches to be consistent with an increase in production at the Installation. It is also noted that the Operator has a history of repeated breaches of this parameter, which have been reported and subsequently scored within previous CARs dating back to Q1 2022. As far as NRW is aware, there has been limited effort made by the Operator to address this issue. It is the Operators responsibility to comply with their environmental permit, they are also responsible for identifying when a permit variation is required i.e. changes to site infrastructure/processes or inability to comply with permitted levels.

It is important to note that no application to vary a permit is guaranteed to be granted. However, variations should be sought and obtained **before** any changes are implemented. If production at the Installation has indeed increased, the permit should be varied to facilitate site activities through the

amendment of levels if deemed suitable, while also avoiding future non-compliances.

Compliance:

For the ongoing and repeated failure to comply with permit condition 3.1.2 for Maximum Discharge Volume, the non-compliance has been assessed as a C2 against criteria IR3A.

In accordance with non-compliance scoring guidelines, the non-compliance scores for the breaches during Q3 2024 (in addition to Q2 2024) reporting period have been consolidated into one non-compliance score.

Action:

Operator is to submit a permit variation by no later than the specified date within this CAR. Failure to do so may result in enforcement action being undertaken.

Schedule 5 Notifications: Q3 2024 (01/07/2024 – 30/09/2024)

The Operator submitted eight Schedule 5 Notifications throughout Q3 2024, which related to fifteen exceedances of the maximum daily discharge volume (treated effluent) limits at emission point S1 to the Afon Tywi.

As aforementioned, the Operator had made improvements following the advice given by NRW on the 14th of May 2024. This has been demonstrated through the submission of Q3 Notifications within the specified timeframes, as required by permit condition 4.3.2 for the Q3 2024 submission.

General – Monitoring Regime

The submitted reporting forms covering Q1, Q2 and Q3 2024 indicate that the Operator is failing to undertake the correct monitoring which is specified within *Schedule 3b Table S3.2*. This was confirmed during a meeting between the Operator and NRW on the 9th of December 2024. This is a requirement of permit condition 3.5.1a, which is stated below:

'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. '

As of 4th of December 2023, the monitoring reference period and frequency changed for a number of parameters including:

- Biological Oxygen Demand (BOD).

- Total Phosphorus.
- Total Suspended Solids.

Furthermore, the following parameters were added:

- Chemical Oxygen Demand (COD)
- Total Nitrogen (changed from Ammoniacal Nitrogen).
- Chloride.

The Operator was reminded of this change within an email from NRW on the 18th of January 2024.

For the parameters listed above, the Operator should be collecting a 24-hour flow proportional composite sample every day (with the exception of BOD, which should be collected on a monthly basis) or at a frequency agreed in writing with NRW. The Operator has indicated that they have been collecting an *instantaneous spot sample* for the previous three Quarters.

Changes to the monitoring requirements have been implemented through BAT Conclusion 4 within BAT Food, Milk and Drink Industries Reference Document. Definition of a 24-hour flow proportional composite sample can be found within *Technical Guidance Note: (Monitoring) M18 - Monitoring of discharges to water and sewer*.

Compliance:

For the above breaches, a non-compliance score of C3 against criteria IR3A has been allocated to this breach of permit condition 3.5.1a.

In accordance with non-compliance scoring guidelines, the non-compliance scores for failing to correctly monitor for each parameter have been consolidated into one non-compliance score.

Action:

Operator is to ensure that future monitoring is undertaken as it is specified within Schedule 3b: Table S3.2.

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.