

Compliance Assessment Report CAR_NRW0042658

Permit number	WP3231NB	Operator name	Dairy Partners (Cymru Wales) Limited
----------------------	----------	----------------------	--------------------------------------

Site name	The Creamery, held by: Dairy Partners (Cymru Wales) Limited
Site address	Aberarad, Newcastle Emlyn, Carmarthenshire, SA38 9DQ
Type of assessment	Report/Data Review

Date of assessment	22/11/2023	Time in	n/a	Time out	n/a
---------------------------	------------	----------------	-----	-----------------	-----

Parts of permit assessed	Condition 2.4.1, Table S1.3, Improvement Condition 15
---------------------------------	---

NRW Lead officer	Kirsty Thomas	Accompanied by	n/a
Report sent to – Name and position	John Potter, HSE Lead	Date	14/12/2023

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

Part of permitted activity assessed (use action criteria below)	Assessment result	Permit condition
IR2E - Operations - Improvement programme	Assessed or assessed in part, no evidence of non-compliance found. Action Only (X)	

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

Total number of non-compliances recorded
0

2. What action is required?

Compliance Criteria	Action needed	Complete by
IR2E	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	Immediately

Compliance Criteria	Action needed	Complete by
IR2E	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).	Annual requirement

Action 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 prosecutions and/or suspension or revocation of your permit.

No non-compliances were recorded.

4. Details of our assessment

Improvement Condition 15 – Review of updated Accident Management Plan (AMP)

The operator has submitted the following documents to discharge the requirements of Improvement Condition 15 (IC15):

- EP-017 – Environmental Accident Management Plan Version 3 22.08.2023 (word document) (superseded by version 4)
- FRM-EHS-059 – Incident Response Investigation Report Version 2 01.02.2023
- EP-024 – Storm Event Procedure Version 1 12.06.2023
- EP-021 Spill Response Plan 13042023
- EP-017 – Environmental Accident Management Plan Version 4 12102023 (pdf)

Condition 2.4.1 from the permit variation EPR/ WP3231NB/V005 states; “The operator shall complete the improvements specified in schedule 1 table S1.3 (improvement programme requirements) by the date specified in that table unless otherwise agreed in writing by Natural Resources Wales.” The improvement condition 15 in schedule 1 table S1.3 specifies:

IC15	The Operator shall update its existing Accident Management Plan to incorporate all the activities now covered by this permit in accordance with BAT 1 of the BAT conclusions for Food Drink and Milk, under Directive 2010/75/EU of the European Parliament and of the Council. The Operator shall submit the updated Environment Management System to Natural Resources Wales for approval by the date specified.	09 September 2023
------	--	-------------------

An updated Accident Management Plan (AMP) (*EP-017 – Environmental Accident Management Plan Version 3 22.08.2023*), was provided by the operator. Additional supporting information signposted in the AMP was requested (e.g spill response plan), and was provided by the operator.

Following NRW's initial review of the AMP (Version 3), it was deemed that the document was lacking detail in certain areas. Therefore, NRW sent a response letter requesting additional information and updates to the AMP. NRW response letter was sent on the 29th

of September 2023 titled “*Dairy Partners IC15 and IC16 NRW Response 29.09.2023*”. The operator provided an updated version of the AMP to NRW on the 19th of October 2023 – “*EP-017 – Environmental Accident Management Plan Version 4 12102023.pdf*”.

The updated AMP (Version 4) included additional information as requested in NRW’s response letter. Key aspects updated included reference to the Secondary Containment Lagoon (SCL) around the new Wastewater Treatment Plant (WWTP)(also referred to as Effluent Treatment Plant) and flood barrier system, updated spill kit plans, updated risk assessment table etc. The updated AMP also makes reference to the construction and phasing of the SCL and flood system as well as referencing the construction environmental plan (CEMP) which will be key for ensuring risks from the construction phase are minimised.

Secondary containment lagoon and flood barrier system

As detailed in the AMP, “at the time of writing of this management plan, the secondary containment lagoon is at the planning application stage. A Construction Environmental Management Plan (CEMP – ‘Outline Construction Environmental Management Plan for New ETP & Secondary Containment Lagoon - HCE-1498-CVD-PLA-002’) sets out the policies and environmental controls required to ensure that the environmental impacts are minimised. On completion of the environmental risk assessment, this Environmental Accident Management Plan will be updated accordingly to include all decommissioning and construction work”. The operator must ensure any changes to the SCL and flood barrier system at the planning stage must be accounted for and updated in the AMP.

It was also identified as part of IC16 (review of surfacing underlying and surrounding the ETP’s two ‘out of specification’ tanks) that the existing ETP slab will be replaced and incorporated into the planned works to install the new SCL. These changes will need to be discussed and confirmed with the relevant planning authority and the AMP updated accordingly.

Site drainage/Drainage infrastructure

The AMP has also been updated to include a site drainage plan and emergency equipment location plan. The site drainage plan in particular is not clearly legible. Clear version of these site plans must be available on site. The drainage plan must also clearly label the emission points.

ACTION - 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.

Drainage infrastructure is also an element that has been recently discussed as part of the AMP review work. The General Management condition of your EPR permit requires you as the operator of an installation to determine the risks to the environment from the activities undertaken on site and then identify the measures to be put in place to prevent pollution. This will form part of the site’s EMS system. One of the key elements of an EMS system will be an accurate and up to date drainage plan. This plan must identify the routing of all drains and subsurface pipework, subsurface sumps and storage vessels. It also must show any emission points. The EMS process also requires regular review of these plans to

ensure they remain accurate. A further element is the requirement to ensure key infrastructure is subject to periodic inspections (as part of the Planned Preventative Maintenance program which is also a requirement of this condition). In the case of drainage infrastructure which conveys polluting liquids this would include a periodic survey to check the integrity of the systems to ensure it remains intact and is not leaking. Further information is available in the regulatory document "How to Comply with your environmental permit".

We note the Operating Techniques of your EPR permit sets out a minimum requirement for a CCTV survey (of the site drainage infrastructure) to be undertaken every three years. However, this requirement was based on a risk assessment that was undertaken nearly twenty years ago. Based on a number of discussion between NRW officers and Dairy Partners staff in recent years i.e. following a spate of pollution events, it was confirmed that much of the drainage infrastructure on the site, is now very old (in some cases over 30 years old). Furthermore, elements of the drainage system have suffered serious deterioration in recent years, resulting in confirmed pollution to the controlled watercourse running through the site. Given the fact that a highly sensitive receptor (Afon Arad which flows to the Teifi SaC) is in such close proximity to an aging drainage system, then the frequency of these inspections must be increased to annually. Where the surveys identify issues affecting the integrity of the system then corrective measures can be implemented. This should provide the operator with the confidence in the integrity of their drainage system and reduce the risk of pollution.

We accept that the frequency could be kept under review and at a later point (subject to NRW agreement) if the surveys show that the structures are in good condition and not leaking, a case to revert back to the three yearly frequency (currently required by your EPR permit) could be made.

Drainage surveys/inspections may be documented in other parts of your EMS with clear signposting in the AMP. This regulatory compliance will be picked up as part off routine compliance work.

ACTION - 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).

Materials inventory

It is noted that the materials inventory table has been updated as part of the AMP update, including additional and increased amounts of chemicals. A detailed review of this table has not formed part of this IC review work. However, section 4.1 of the AMP describes that *"Chemical drums are stored on bunded pallets, where possible, to contain any spills"*. As per condition 3.2.3 of the environmental permit *"All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container"*. Compliance against this requirement has already formed part of ongoing compliance work and a compliance breach (C2 permit breach, IR3B – emissions of substances not controlled by

emissions limits) has been picked up following a site inspection carried out on the 19th of October 2023 (see *CAR_NRW0042732* for further details).

Clean-in-Place

The AMP details the new Clean in Place(CiP)/new bulk CiP. As previously advised by NRW, for the construction of any new tanks, the design will need to be submitted for approval as part of a permit variation application to NRW. Furthermore any new tanks (and associated infrastructure) would need to be built to the required standards.

It is our understanding that the new CiP is still to be granted planning approval. No permit variation has been submitted for this change on site and it is also noted that the materials inventory table has been updated, including additional and increased amounts of chemicals. A review of this table has not formed part of this IC review work. The new CiP and its associated acid scrubber has also been picked up as part of NRW's routine compliance work and recent site inspection. A C3 permit breach, IR2A - permitted activities, has been picked up following the site inspection carried out on the 19th October 2023 (see *CAR_NRW0042732* for further details).

Comments relating to the new CiP (including the acid scrubber, additional chemicals etc) within this AMP submission does not infer NRW is in acceptance of this.

Spill response plan

The AMP makes reference to the spill response plan EP-021 document but also contains spill response information in the AMP directly. Please see action/recommendation in *CAR_NRW0042732*, as requested following the recent site inspection.

Training

The AMP makes reference to staff being provided training on how to deal with minor incidents such as spillages. Staff must be trained to deal with major accidents or incidents. A supporting document, "*SOP/WWTP/004 - Abnormal and Emergency Response*" is referenced in the AMP, in particular for an uncontrolled release of wastewater. Staff (including engineering department responsible in out of hours) must be competent in dealing with an emergency scenario on site (condition 1.1.1 (b) of the environmental permit – using sufficient competent persons and resources).

The supporting document "*SOP/WWTP/004 - Abnormal and Emergency Response*" was not submitted by the operator and has not been reviewed at this time. Checks to ensure staff are competent and have received the relevant training will form part of ongoing compliance work.

The AMP also makes reference to several supporting documents. A detailed review of all these documents has not been completed as part of this review. All associated documentation linked to the AMP must be readily available and up to date with the appropriate information.

Summary

Based on the revised AMP being submitted, NRW accept the information provided in relation to IC15. Other topic areas flagged in this CAR form, not directly related to the IC will be address through NRW's routine compliance work and have been addressed in separate compliance assessments.

NRW should be notified of any updates and changes to the AMP, with the updated version provided. Important to note; the AMP must be kept up to date (especially with updates and changes to the SCL and flood barrier system) and must be reviewed on a regular basis.

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 in the aspects assessed.
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

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 – 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.