

Compliance Assessment Report CAR_NRW0043321

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: 18/12/2023 between 10:30 and 15:00.

Parts of permit assessed: Management, Operations, Emissions and Monitoring - Odour focus.

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

Report sent to: Daryl White, Site Manger, on 14/02/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2A - Operations - Permitted activities	Ongoing (O)	3.1.1
IR2C - Operations - Operating techniques	C3 Minor	2.3.1
IR2C - Operations - Operating techniques	Action only (X)	
IR3C - Emissions and monitoring - Odour	Action only (X)	
IR1A - Management - General management	Action only (X)	
IR1A - Management - General management	Action only (X)	
IR4B - Information - Reporting	Action only (X)	
IR1A - Management - General management	Action only (X)	
IR3C - Emissions and monitoring - Odour	Action only (X)	
IR1A - Management - General management	Action only (X)	
IR1A - Management - General management	Action only (X)	
IR3B - Emissions and monitoring - Emissions of substances not controlled by emission limits	C2 Significant (Suspended)	3.2.3

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

Total non-compliances recorded	Total non-compliance score
2	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
IR2A	ACTION 6 of CAR_NRW0042732 captures the requirement for a permit variation and action deadline. Operator to confirm variation submission date to NRW	06/03/2024
IR2C	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.	14/03/2024
IR2C	Provide: (a) Details of the 'fat busting powder' used, including but not limited to: Brand name, product name, ingredients, and quantities used; (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.	21/02/2024
IR3C	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.	21/02/2024
IR1A	Operator to produce and provide a Standard Operating Procedure (SOP) featuring step-by-step guide to how the sludge pit is to be cleaned.	21/02/2024
IR1A	Operator to produce and provide a Standard Operating Procedure (SOP) featuring step-by-step guide to how the crude pit is to be cleaned.	21/02/2024
IR4B	Operator to provide waste transfer notes for the removal of accumulate crude pit waste.	21/02/2024
IR1A	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.	21/02/2024

Criteria	Action needed	Complete by
IR3C	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	21/02/2024
IR1A	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 WWTP 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.	21/02/2024
IR1A	Training records for onsite training (including operational, cleaning and maintenance) to be provided to NRW.	21/02/2024
IR3B	Provide the ETP plant, associated tankers and pipework with appropriate secondary containment	14/08/2024

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.

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

See DMS for issued report

[2023 12 18 WP3231NB Compliance report CAR_NRW0043321 - Odour site inspection.pdf \(sharepoint.com\)](#)

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.