

Compliance Assessment Report

Report ID:
CAR_NRW0036298

This form will report compliance with your permit as determined by an NRW officer

Site	Haverfordwest Creamery	Permit Ref	XP3830UR		
Operator/Permit holder	The First Milk Cheese Company Ltd				
Regime	Installations				
Date of assessment	07/10/2019	Time in	N/A	Out	N/A
Assessment type	Audit				
Parts of the permit assessed	3 Emissions and Monitoring; 4 Information				
Lead officer's name	Cowie, Douglas				
Accompanied by					
Recipient's name/position	Colin Reed/ Senior SHE Manager	Date issued	21/02/2020		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
E2 - Emissions - Land and groundwater	C3	3.1.1 Emissions to water, air or land
E3 - Emissions - Surface water	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	4
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Site description

The First Milk Cheese Company Ltd operates a milk processing and cheese production facility at Haverfordwest Creamery, Merlins Bridge, Haverfordwest. The company is a subsidiary of First Milk Ltd, the UK's largest dairy farmer co-operative. The facility is permitted as an installation under Section 6.8 (The Treatment of Animal and Vegetable Matter and Food Industries) of the Environmental Permitting Regulations (EPR).

Milk from approximately 300 local farms is pasteurised and processed at the installation to produce a range of cheeses and whey products. The permitted installation includes an integrated effluent treatment plant (ETP) which discharges to the Western Cleddau. An agreed nutrient 'off-set' scheme mitigates the creamery's treated effluent discharge through a combination of nutrient management measures at (scheme member) dairy farms.

Purpose of visit/assessment

On 3 October 2019 we were notified of an overflowing drain near the boundary of the First Milk installation. The drain was subsequently identified as the effluent line between the creamery and its ETP. We were also notified of a similar effluent release from the same line on 6 October 2019.

This report confirms our compliance assessment of these notifiable releases in the context of the installation's permit requirements. The relevant permit conditions are listed under Sections 3.1, 3.2, 4.3 & 4.4 of First Milk's permit.

Effluent release 3 October 2019

On 03/10/19 NRW was notified by Pembrokeshire County Council (PCC)'s Environmental Health Department about an overflowing drain at Haverfordwest Creamery. The drain in question was subsequently confirmed as the primary effluent line which connects First Milk's factory with its effluent treatment plant.

PCC reported evidence of a discharge from an inspection chamber located near the installation boundary (circled in red below), which was subsequently investigated and confirmed by First Milk. The company also undertook clean-up of the affected area.



The environmental impact of the effluent overflow was minor and restricted to land only. No water pollution was reported or confirmed following investigation.

Following this incident, First Milk arranged for the effluent line to be jetted (cleared) by a third-party specialist contractor.

Effluent release 6 October 2019

First Milk notified NRW of a second overflow from the same inspection chamber which occurred on 06/10/19.

The second incident appears to have occurred in response to a period of increased effluent flow generated by cleaning-in-place (CIP) activities at the creamery. First Milk took steps to control the overflow, clean the area around the inspection chamber and arrange further jetting of the effluent line between factory and ETP.

The impact of this second effluent overflow is understood to be minor and restricted to land only.

Compliance assessment

The above incidents have been attributed to unauthorised effluent discharges from First Milk's permitted activities. The root cause is likely to have been a blockage or a partial blockage within the effluent line itself, resulting in overflows from the inspection chamber.

Permit condition 3.1.1 states:

3 Emissions and monitoring

3.1 Emissions to water, air or land

3.1.1 There shall be no point source emissions to water, air or land except from the sources and emission points listed in schedule 3 tables S3.1 and S3.2.

The effluent overflows on 03/10/19 and 06/10/19 are unauthorised emissions to land from the First Milk installation and are a breach of permit condition 3.1.1. We have assessed the reasonably foreseeable impact of these releases as minor in accordance with our Compliance Classification Scheme (CCS). **One CCS Category 3 score** has been recorded in response to this permit non-compliance.

NRW recognises that First Milk has taken swift action to address the impact and the cause of these minor releases and the incidents themselves are considered closed. The root cause(s) require further investigation and will be examined during a future compliance visit. Additional CCS scores may be applied if associated permit non-compliances are identified.

It is recommended that the operator reviews its planned preventative maintenance (PPM) programme to ensure the maintenance frequency for the effluent line remains appropriate for its current manufacturing regime. If the effluent composition or flow pattern has changed e.g. higher solids content, the operators PPM system should take this into account when setting the maintenance and jetting frequency for the line.

In terms of informing and notifying the regulator (section 4.3 Notifications), we are satisfied the operator has informed us about both incidents in accordance with the permit conditions. It is suggested that the operator follows the template in Schedule 5 of the permit to convey the necessary information to the regulator for this type of event.

Schedule 5 notifications must be used for any permitted emission limit (ELV) breaches. We also expect the operator to use Schedule 5 for any incidents or accidents which significantly affect (or may significantly affect) the environment, including nearby human receptors.

Summary and further actions required

We have identified non-compliance with the installation permit following two unauthorised releases of effluent from the permitted installation in October 2019. **One CCS Category 3 score** has been recorded in response to this non-compliance.

The root cause(s) of these incidents require further investigation and will be examined during a future compliance visit.

It is recommended that the operator reviews its planned preventative maintenance (PPM) programme to ensure the maintenance frequency for the effluent line remains appropriate for its current manufacturing regime.

We are satisfied the operator has informed us about both incidents in accordance with the permit conditions. It is suggested that the operator follows the template in Schedule 5 of the permit to convey the necessary information to the regulator for this type of event.

[END OF SECTION 2]

EPR Compliance Assessment Report

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Operator/Permit holder	The First Milk Cheese Company Ltd	Date	07/10/2019

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
E2	C3	Ensure creamery effluent line(s) are regularly checked and maintained, and are kept clear of obstructions/blockages which could result in further similar incidents. IGNORE ACTION DATE - Not Applicable	31/03/2020

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.