

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

Site	The Creamery – Newcastle Emlyn	Permit Ref	WP3231NB
Operator/Permit holder	Dairy Partners (Cymru Wales) Limited		
Regime	Installation		
Date of assessment	14 <sup>th</sup> February 2020		
Assessment type	Procedure Review		
Parts of the permit assessed	See section 2		
Lead officer's name	Neil Herbert		
Recipient's name/position	Steve Welch – Site Manager (cc. Simon Matthews H.S.E. Consultant)	Date issued	11 <sup>th</sup> March 2020

**Section 1 – Compliance Assessment Summary**

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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
A1 - Specified by permit	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	N	
B2 - Infrastructure - Closure and decommissioning	N	
B3 - Infrastructure - Site drainage engineering (clean and foul)	N	
B4 - Infrastructure - Containment of stored materials	N	
B5 - Infrastructure – Plant and equipment	N	
C1 - General Management - Staff competency/training	N	
C2 - General Management - Management system and operating procedures	N	
C3 - General Management - Materials acceptance	N	
C4 - General Management - Storage, handling labelling, labelling and segregation	N	
D1 - Incident Management - Site security	N	
D2 - Incident Management - accidents, emergency and incident planning	N	
E1 - Emissions - Air	N	
E2 - Emissions - Land and groundwater	N	
E3 - Emissions - Surface water	N	
E4 - Emissions - Sewer	N	
E5 - Emissions - Waste	N	
F1 - Amenity - Odour	N	
F2 - Amenity - Noise	2	3.5.1
F3 - Amenity - Dust/ fibres/ particulates/ litter	N	
F4 - Amenity - Pests/birds/scavengers	N	
F5 - Amenity - Deposits on road	N	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	N	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	N	
G3 - Monitoring and Records, Maintenance and Reporting - Maintenance records	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	N	
H1 - Resource Efficiency - Efficient use of raw materials	N	
H2 - Resource Efficiency - Energy efficiency	N	

**KEY:** See Section 4 for breach categories, suspended scores will be indicated as such. **A** = Assessed or assessed in part (no evidence of non-compliance), **N** = Not Assessed, **X** = Action only

<b>Number of breaches recorded</b>	1	<b>Total compliance score</b> (see section 5 for scoring scheme)	31
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### Noise complaint investigation and outcome – update

During 2019, Natural Resources Wales (NRW) undertook sound monitoring in response to ongoing noise complaints<sup>1</sup> from residents of Aberarad, relating to the Dairy Partners facility. The noise complaints can be broadly<sup>2</sup> divided into three categories:

1. the refuelling of liquified natural gas (LNG);
2. the tankering of product from the Effluent Treatment Plant (i.e. vehicle noise) and
3. the operation of the dairy processing plant, specifically the sound generated by the chilling/cooling process.

#### 1. LNG Refuelling

- LNG refuelling has been the source of ongoing noise complaints over 2018 and 2019. However, in October 2019 the operator confirmed that tankers utilising a new gas delivery system had been trialled at the site and had proved successful.
- The operator has since implemented these new measures<sup>3</sup>. Namely to ensure that only tankers with the silent delivery system, will be permitted to deliver LNG at their Newcastle Emlyn facility.
- These new measures appear to have addressed the LNG refuelling noise problem.

#### 2. ETP Tankering

- In 2019 tankering operations at the site's ETP temporarily increased due to issues with the ETP performance. This resulted in a spike of complaints over the noise generated by the extra vehicular movement and tankering operations.
- Since then improvements at the ETP have reduced the tankering activity at this area of the plant. This has seen a corresponding drop in complaints relating to this operation. The operator is also in the process of designing a new ETP system<sup>4</sup> which we have been informed will require significantly less tankering than the current system.

#### 3. Chilling/Cooling operations

- The major source of ongoing noise complaints relating to the facility were attributed by the complainants, to a continuous sound generated from the dairy processing plant, specifically chilling and cooling operations.
- In response the operator proposed a series of improvement to help reduce the noise impacts from these processes
- The measures<sup>5</sup> included:
  - installation of noise suppressing foam on the enclosure surrounding the chiller compound;
  - purchase and installation of a third chiller to reduce demand on the existing chiller systems;
  - purchase and installation of new cooling towers.

These were installed over 2019, the cooling tower being installed in October 2019. Noise monitoring was undertaken by NRW whilst the old cooling towers were operating, during the period they were non-operational and a period when the new cooling towers had been installed. The measurements and assessment identified the following<sup>6</sup>:

Before new cooling tower installation -

- The sound levels of the night time **operational** periods (23:00-07:00) ranged between 62dB and 63dB.
- The sound levels of the night time **non-operational**<sup>7</sup> periods ranged between 49dB and 51dB.

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<sup>1</sup> Over 200 complaints

<sup>2</sup> Periodically the boiler's pressure safety valve will activate to release steam pressure. Whilst this is a standard safety feature it can cause a loud noise. This has been the source of some complaints. However, the operator has now confirmed that scheduled maintenance tests of the system will now be pre-notified to the residents and will no longer be undertaken at night.

<sup>3</sup> See Improvement Condition 12 Submission (received January 2020).

<sup>4</sup> This new ETP will first need to be permitted in a revised permit before it can operate. The operator will also require other permissions (e.g. planning).

<sup>5</sup> One of the three whey/cream dispatch pumps have also been adjusted (in Sept 2019) following the NRW visit on the 18<sup>th</sup> of September 2019. This reduced the noise from this specific pump.

<sup>6</sup> Please see the full noise report for a full description of the monitoring undertaken, including the caveats and limitations of the assessment.

<sup>7</sup> This refers to when the cooling tower was non-operational.

- The night time residual sound level was calculated as **50dB** and the background<sup>4</sup> sound level based on a modal distribution of the L<sub>90</sub>15-minute is **48dB**.
- A Rating level of **+17dB** at night and **+16dB** during the day provides an indication of significant adverse impact, based on the context<sup>8</sup>.

Following the installation and commissioning of the new cooling tower (October 2019) -

- Ambient day and night time sound levels reduced by 9dB and 10dB respectively.
- Based on the assessment methodology this has reduced the likelihood of impact at night, from a significant adverse impact to an adverse impact.

Whilst this monitoring indicates that the noise from the site is contrary to condition 3.5.1 of the permit, the installation of the new (quieter) cooling towers has since seen a reduction in noise. This is reflected in the reduction of complaints relating to the facility. However further improvements need to be undertaken as the monitoring following the installation of the new cooling towers still indicate that the facility is likely to be causing an **adverse impact**. In order to start to address this the operator was tasked to undertake a Best Available Techniques (BAT) Noise Audit to be completed by November 2019. Unfortunately, this audit has not been undertaken and is now overdue. This needs to be completed within the next four weeks unless otherwise agreed in writing with NRW.

**Operator to arrange for a BAT Noise Audit to be undertaken. The BAT Noise audit will:**

- **identify contributory site sound sources and characteristics (including tonality, impulsivity, intermittency);**
- **rank these sources – both in terms of dB(A) and character at:**
  - **complaint location/s and**
  - **at the site boundary**
  - **or other reference positions against existing background levels**
- **identify all potential noise sources within the dominant machine/process;**
- **rank these sources – dB(A) and character;**
- **establish the noise control options for the dominant source; repeat the exercise for the next most dominant sources etc.**

**Draw up a schedule of noise reduction measures for submission to NRW**

The operator should also have either replaced<sup>9</sup> or fitted engineered acoustic enclosures to the **cooling tower suction pumps** by 31<sup>st</sup> December 2019. This has not been done. **Action: overdue**

**Compliance:** As the noise issues noted above are an ongoing noise breach of condition 3.5.1. there is a presumption<sup>10</sup> to record a non-compliance score (CCS) of 2 for repeated amenity failures (f2).

### **Improvement programme (IC12)**

- Improvement Condition 12. This improvement condition was due on the 31<sup>st</sup> of December 2019. A submission was made on the 2<sup>nd</sup> of January 2020 “Report into the LNG delivery system at the Newcastle Emlyn Dairy”.

Whilst the submission did not address the specific wording of the improvement condition, the issue of noise from LNG refueling appears to have been addressed through the use of a new gas delivery system on tankers delivering LNG to the facility. The IC 12 submission therefore sets out the new procedures for LNG delivery which should satisfy the original reasoning behind this improvement condition.

**NRW therefore will accept this IC12 submission and consider the requirement of this improvement condition has been discharged. The document now forms part of your operational techniques and your EMS system should be updated to reflect the change.**

<sup>8</sup> BS4142 compares the noise level that is emanating from the site to the Background noise level when the site is not operating. It then adds a variable penalty for noise that is either tonal, impulsive or intermittent. A level difference of around +10dB or more is a likely to indicate a significant adverse impact, and a difference of around +5dB is likely to indicate an adverse impact, based on context.

<sup>9</sup> i.e. low-noise pumps

<sup>10</sup> In accordance with NRW's CCS scoring guidance.

## Other Matters

### Crude Pit Overflow (13<sup>th</sup> May 2019) – root cause investigation findings

- In May 2019 the operator self-reported the accidental release of milky water into the Afon Arad. This was caused when three pumps failed on the 13<sup>th</sup> of May resulting in the overflow of effluent from the crude pit next to the Afon Arad<sup>11</sup>. We have sought an update from the operator behind the root cause of this failure and how three pumps failed. The operator have also provided clarification on measures since taken to ensure that there is no re-occurrence. The operator provided an update on the 7<sup>th</sup> February 2020 and is reproduced below.

<b>Root Cause:</b>
1. <i>Whey cream used to be pumped into holding tank at 40 to 50% fat.</i>
2. <i>This resulted in fat adhering to the sides of tank.</i>
3. <i>Operator believed that the tank was empty at end of loading.</i>
4. <i>The wash then flushed viscous whey into crude pit.</i>
5. <i>No access to the top of the tank to check that tank empty.</i>
<b>Corrective actions:</b>
1. <i>Whey cream reduced to 35% fat to minimize side wall adherence.</i>
2. <i>Turbidity meter and automatic divert fitted to crude pit infeed to divert to sludge tank.</i>
3. <i>Automatic divert alarm fitted.</i>
4. <i>Access to top of tank installed. Operators check each time that transfer completed.</i>
5. <i>High level alarm fitted to crude pit.</i>
6. <i>24/7 manned cover of ETP with engineer support.</i>

### New Effluent Treatment Plant (ETP)

- Whilst this report was being compiled NRW now understand that the operator has started construction on a new effluent treatment plant. NRW have previously stated that any new ETP would require a revision to the existing permit and that this application should be submitted and determined before the plant is built. The operator has chosen not to do so, and this is disappointing given that this advice was proffered at least as early as October 2019. We have since written separately to the company on this matter, however we reiterate that it is only once the application has been determined and a variation to the permit approved<sup>12</sup> can the new plant operate. NOTE: Separate permissions are also required e.g. planning.

### Best Available Techniques Reference Document (BRef) for Food, Drink and Milk sector

- Following the publication of the revised Best Available Techniques (BAT) Reference Document (BRef) for Food, Drink and Milk industries, the associated BAT conclusions to this document were published on the 4<sup>th</sup> December 2019 in the Official Journal of the European Union.
- NRW will shortly be issuing a regulation 61 information notice to all operators in this sector. The notice requires the operator to provide information to confirm how they will comply with the BAT conclusions. Operators will have six months to respond to these Regulation 61 information notices.

End of section 2

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<sup>11</sup> Officer's attended site on the 14<sup>th</sup> of May 2019 following receipt of the notification.

<sup>12</sup> There is no guarantee a permit will be issued as NRW cannot pre-judge the determination process for an application to vary the EPR permit. It may also be dependent on the outcome of the planning determination-----.

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**Section 3 – Enforcement Response**

**Only one box should be ticked**

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.	
In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.	
We will now consider what enforcement action is appropriate and notify you, referencing this form.	x

**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			
F2	2	Operator to arrange for a BAT Noise Audit to be undertaken. The BAT Noise audit will: <ul style="list-style-type: none"> <li>• identify contributory site sound sources and characteristics (including tonality, impulsivity, intermittency);</li> <li>• rank these sources – both in terms of dB(A) and character at: <ul style="list-style-type: none"> <li>○ complaint location/s and</li> <li>○ at the site boundary</li> <li>○ or other reference positions against existing background levels</li> </ul> </li> <li>• identify all potential noise sources within the dominant machine/process;</li> <li>• rank these sources – dB(A) and character;</li> <li>• establish the noise control options for the dominant source; repeat the exercise for the next most dominant sources etc.</li> <li>• Draw up a schedule of noise reduction measures for submission to NRW</li> </ul>	<b>OVERDUE</b>
		Unless otherwise agreed with NRW, the operator will implement measures to reduce noise from the cooling tower suction pumps. The operator have previously indicated either these pumps would be replaced with low noise pumps or fitted with an <u>engineered</u> acoustic enclosure.	<b>OVERDUE</b>
		<ul style="list-style-type: none"> <li>• Operator to ensure site's operational techniques (and EMS) is updated to reflect new procedures for LNG tankering (IC12)</li> </ul>	Immediate

## 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 (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 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 reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty 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.