

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	18 th September 2019		
Assessment type	Inspection		
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	24 th September 2019

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	3	2.4.1
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	3	3.2.3
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	N	
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	N	
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

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	8
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Noise Familiarisation Visit

This was a pre-arranged visit so that NRW's noise specialist could familiarise himself with the site and some of the potential sources of sound emanating from the installation which makes up the acoustic environment.

Several operational sources were noted as potential sound sources, some of which could be audible offsite. Where particularly audible sources were perceived, the officer undertook sound monitoring using a sound level meter. This was used to measure sound levels and any associated tonal characteristics with each source. There was no standardisation of monitoring during the assessment i.e. sources were not isolated and distances were not measured accurately.

It would now be helpful if the following points could be clarified by the operator:

1. **Why “despatch” pump** – The operator needs to clarify:
 - a. How often these pumps operate and over what time period?
 - b. Under what circumstances the second and third pumps are used i.e. simultaneously, independently etc.?
2. **Cooling Towers** –
 - a. We understand that these run continuously, however can you confirm this?
 - b. Can you also clarify whether both towers are in continuous use or do they operate on a demand basis (e.g. sometimes will one be in standby if there is less demand)?
3. **Cooling suction pumps** (next to cooling towers)-
 - a. How often do these operate?
 - b. Two pumps were operational at the time of the visit. Do these usually operate together?
 - c. Are they associated with each tower i.e. Pump (filter) 1 to Marley tower 1?
 - d. Will these pumps be replaced when the cooling towers are removed?
4. **Unidentified exhaust in yard near milk silo room** – Can the operator clarify the source of this sound as the operative was unaware of the purpose of the exhaust?
5. **Glycol pumps** – Do all three pumps operate continuously or do they change with demand?
6. **Cooling Water pumps (next to chiller 1)** - Do all three pumps operate continuously or do they change with demand?

It should be noted that the cooling towers are scheduled for imminent replacement and following the installation of the new cooling towers (1 & 2nd October 2019) the operator has been tasked to arrange a Best Available Techniques (BAT) Noise Audit. This audit will in turn help inform the operator's review of the site's Noise Management Plan. The operator will be providing confirmation of the date(s) of this audit shortly.

The purpose of the BAT Noise Audit will be to:

- identify contributory site sound sources and characteristics (including tonality, impulsivity, intermittency)
- rank the sources – both in terms of dB(A) and character
 - at complaint location
 - 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

Other Observations and Findings

Secondary containment

- During the visit it was noted at several locations around the facility that various mobile containers, holding potentially polluting liquids, were not provided with secondary containment. This is a breach of condition 3.2.3 of the permit. A CCS score of 3 has been attributed to this breach (B4).

Action: The operator will provide secondary containment (or alternative appropriate containment) to all mobile containers that store potentially polluting liquids by the deadline specified – see section 4.

Actions from previous visit

- During the previous site visit (11th September 2019) the operator was tasked to identify the purpose of a black pipe by the River Arad (at NGR: SM3159940172). The operator has since submitted a drawing showing that the pipe leads to a stone drain that collects surface water at the rear of the site (behind the DAF plant). It is presently unclear whether this pipe has been sealed and the operator is in the process of establishing this. **New Action.**
- The operator has since developed a new procedure for staff to routinely check the River Arad. Action Completed.

Improvement programme

- Improvement Condition 12. This improvement condition has not been submitted. As the operator will need to time their monitoring to an LNG delivery, the operator has been given until the 1st November 2019 to complete this improvement condition and submit the report to NRW.
- Improvement Condition 13. Given that significant infrastructure works and improvements presently scheduled for this year and early next year, it was agreed that the efficiency review could be delayed until after most of the improvements have been completed. A revised deadline has now been agreed with NRW (31st September 2020). This will be amended in the next permit variation.
- The failure to submit these improvement conditions to the deadlines specified in the permit are considered breaches of condition 2.4.1 of the permit. A CCS score of 3 has been attributed to this breach (A1)

End of section 2

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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			
B4	3	Ensure all potentially polluting liquids are provided with secondary containment, (unless other appropriate measures have been used).	14 October 2019
A1	3	Submit report required by improvement condition 12 by deadline specified.	01 November 2019
		Submit report required by improvement condition 13 by deadline specified.	30 September 2020
N/A	N/A	Operator to clarify whether pipe at NGR: SM3159940172 has been sealed.	01 November 2019
		Operator to clarify queries (set out in section 2 (numbered 1 to 6)), relating to noise familiarisation visit.	As soon as practicable

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.