

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	11 th September 2019		
Assessment type	Inspection		
Parts of the permit assessed	Site surface water emissions – response to incident (WIRS1906074)		
Lead officer's name	Neil Herbert		
Recipient's name/position	Steve Welch – Site Manager (cc. Simon Matthews H.S.E. Consultant)	Date issued	16 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	N	
B1 - Infrastructure - Engineering for prevention and control of emissions	N	
B2 - Infrastructure - Closure and decommissioning	N	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	A	
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	A	
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		Total compliance score (see section 5 for scoring scheme)	
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Introduction

NRW attended the site following a report alleging a serious pollution in the Afon Arad, downstream of the Dairy Partners facility at Newcastle Emlyn. Photographs submitted by the complainant indicated a white foamy pollutant. The river, downstream of the site was also inspected.

I met Mr. Steven Welch (SW) and Mr. Darryl White (DW) of Dairy Partners (DP) whilst on site.

Observations and Findings

Off-site - downstream:

- An inspection downstream of the facility was undertaken. Whilst the river was clear at the time of our inspection, pools of residual white pollutant were observed in a few locations. Some traces of a white scum were also noted. It appears that by the time the inspector arrived, the pollutant had been flushed through.

On Site (DP):

- The Afon Arad runs through the creamery. I undertook an inspection of the Arad and the areas surrounding the stream and I was unable to identify any evidence suggesting the pollution was caused by the facility.
- A discharge was noted emanating from the site's surface water lagoon (NGR:SN3159940172). This appeared to be clear, however a precautionary sample was taken (including a sample immediately upstream of the discharge point for comparison). We are now awaiting the results of this analysis.
- A second pipe was noted upstream of the first pipe, at NGR: SM3159940172. Whilst a small trickle of liquid was noted it was not possible to sample this. Both SW, DW and other DP staff in the vicinity were unclear over the purpose of the pipe. NRW were later informed (by email) that the operator had found plans indicating that the pipe collects clear surface water from a soak away near a bank at the rear of the site. We are however still awaiting the drawings showing this/ Irrespective of this the operator must ensure that their drainage plans are accurate.
 - **Action:** The operator must ensure their drainage plans are accurate.
- I also inspected the shift logs for the previous 24 hours. No issues were recorded.

Whilst no obvious issues were noted during this inspection, suggesting the pollution emanated from the facility, a final determination will be made on receipt of the sample analysis results. At present however, we have no evidence to indicate the pollution came from this facility.

Meanwhile the operator needs to implement a formal documented procedure requiring visual inspections of the Arad to be undertaken. This should be part of the routine daily shift inspection and recorded in the shift log. We also advised DP to train their staff to ensure that any discolouration noted is reported to NRW immediately. If the discolouration is emanating from an upstream source staff must still notify NRW. **NRW 24-hour contact number is 0300 065 3000**

End of section 2

	Compliance Assessment Report	Report ID: CAR_NRW0035680
This form will report compliance with your permit as determined by an NRW officer		
Site	Dairy Partners – Newcastle Emlyn	Permit Ref WP3231NB
Operator/Permit holder	Dairy Partners (Cymru Wales) Limited	Date 11 th September 2019

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.	

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			
N/A		The operator must ensure their drainage plans are accurate	Within one months of the issue of this report
		Operator to implement daily visual checks of Afon Arad and report any noted discolouration to NRW immediately. See section 2 for details.	Within five days of the issue of this report ¹ .

¹ Unless otherwise agreed with NRW.

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.