

Compliance Assessment Report CAR_NRW0037202

Permit being assessed: WP3231NB.

For: The Creamery , held by Dairy Partners (Cymru Wales) Limited

At: Aberarad, Newcastle Emlyn, Carmarthenshire, SA38 9DQ.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 08/12/2020.

Parts of permit assessed: Q1, Q2 and Q3 Effluent emission. 2019 Air Emission Monitoring Report

NRW Lead Officer: Neil Herbert.

Report sent to: Andrew Jones , Health Safety and Environment Manager on 08/12/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E3 - Emissions - Surface water	C3 Minor	3.1.2
E3 - Emissions - Surface water	Action only (X)	
E1 - Emissions - Air	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor	3.3.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Action only (X)	

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
E3	Operator will need to review the Q1 (and Q2, Q3) submissions to ensure that correct results were reported for all parameters.	15/01/2021
E3	Ensure all future submissions are accurate.	28/01/2021
G1	The operator to ensure that additional air emission monitoring, for the 2020 monitoring period, will need to be undertaken before 31st of December 2020	31/12/2020
G1	Operator must ensure that monitoring is undertaken in	09/12/2020

Criteria	Action needed	Complete by
	accordance to the frequency specified in the permit	

Action 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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

Quarter 1, Quarter 2 & Quarter 3 - 2020 Monitoring Submission

Review of the quarter 1 monitoring submission received 6th April 2020. Further submission received 21 July 2020 with correction to February submission.

Review of the quarter 2 monitoring submission received 21st July 2020.

Review of the quarter 3 monitoring submission received 1st October 2020.

Effluent Emission

Quarter 1 January to March 2020 - Effluent Emission - W1

- Based on the report submitted by Dairy Partners (including correction received 21st July 2020), the emissions at the W1 monitoring point appear compliant with the site's specified emission limits for the January and March 2020 monitoring period.
- The results for the February monitoring period also indicate that the COD emission limit was compliant however this is not correct. The operator had already submitted two Schedule 5 notifications to NRW, in February 2020 relating to exceedances of the COD emission limit. It is therefore unclear why the February report did not reflect this. The monitoring report requires the COD monthly maximum result to be reported.
- Details of the two COD exceedances (as reported by the operator):
 - 13th February 2020 (Schedule 5 received 13th February 2020) – the reported result was 153 mg/l.
The operator's report states that the exceedance was due to issue with the chemical dosing line serving the DAF. The operator reported that this was corrected and returned to normal operation.

- 16th February 2020 (Schedule 5 received 16th February 2020) – the reported result was 160 mg/l.
- The operator's report states that the site experienced extreme rainfall linked to Storm Dennis, as a result of the prolonged heavy rainfall the trickle beds suffered some flooding resulting in a reduction of the efficiency within the final step of the effluent treatment system. The operator reported that the levels returned to compliance the following day (48mg/l)

Compliance: The two COD emission limit exceedances reported for February 2020 are a breaches of condition 3.1.2 of the permit. Compliance classification scores (ccs) of 3 (minor) have bee attributed to these breaches. In accordance to NRW ccs scoring guidance these scores have been consolidated into one compliance breach, for the January to March 2020 (Q1) monitoring period.

Action: Operator will need to review the Q1 (and Q2, Q3) submissions to ensure that correct results are reported for all parameters.

Action: Ensure all future submissions are accurate.

Quarter 2 April to June 2020 - Effluent Emission - W1

- Based on the reports submitted (received 21st July 2020) by Dairy Partners the emissions at the W1 monitoring point appear compliant with the site's specified emission limits for the April to June 2020 monitoring period.

Quarter 3 July to September 2020 - Effluent Emission - W1

- Based on the reports submitted (received 1st October 2020) by Dairy Partners, the emissions at the W1 monitoring point appear compliant with the site's specified emission limits for the July to September 2020 monitoring period.
- NOTE: During an investigation into a pollution report in September 2020 NRW discovered evidence of poor practice in the management of the site's sampling analysis procedures. The operator was tasked to improve both training and supervision – see CAR NRW_000037009 – 21st September 2020^[1] for detail.

Air Quality monitoring 2019 - (delayed)

Air (A1 - Extractive Monitoring)

- The 2019 air emission monitoring exercise was delayed due to issues over sampling equipment access.
- The delayed 2019 monitoring was eventually undertaken on the 27th of February

2020. The results of this exercise were submitted on the 14th August 2020.

Compliance: The failure to monitor air emissions from at the A1 Monitoring point during 2019 is considered a breach of condition 3.3.1. A ccs score of 3 has been attributed to this breach, covering the 2019 monitoring period (g1).

Action: Operator to ensure monitoring is undertaken in accordance with the requirements of the site permit.

Action: the operator has already been reminded to ensure that additional air emission monitoring, for the 2020 monitoring period, will need to be undertaken before 31st of December 2020.

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Action from previous CAR report (dated 11th February 2020) - CAR NRW0036155 report

January to December 2019 - Effluent Emission Results Hg & Cd - W1

- One of the actions from the compliance report dated 11th February was for the operator to submit the annual result for Hg and CD.
- These results were submitted on the 14th February 2020. Based on the results provided by the operator the results were below the emission limits set in the permit.

End of section 2

[1] Report issued 7th October 2020.

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.

What are suspended scores?

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 and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance 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 20 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 – 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.