

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 February 2020		
Assessment type	Report/ Data Review		
Parts of the permit assessed	Review (partial) of Effluent Monitoring Submissions: 2016, 2017, 2018 and 2019		
Lead officer's name	Neil Herbert		
Recipient's name/position	Steve Welch – Site Manager	Date issued	11 th February 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	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)	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	ccs2 (x2)	3.1.2- WP3231NB/V002 2019 2.2.2.4 FP3434UB (as amended), 2018
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	ccs2 (x3)	2.10.1 FP3434UB (as amended) 2017 2.10.1 FP3434UB (as amended) 2018 3.3.1 - WP3231NB/V002 2019
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	ccs2 (x5)	1.3.1 - FP3434UB (as amended) 2017 / 1.3.1 - FP3434UB (as amended) 2018 / 5.1.1 & 5.1.2- FP3434UB (as amended), 2018 4.2.3- WP3231NB/V00 2019 / 4.3.1 - WP3231NB/V002 2019.
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	10	Total compliance score (see section 5 for scoring scheme)	310
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Effluent Monitoring and Reporting Assessment 2016, 2017, 2018 & 2019

In 2019 (CAR issued 23 August 2019 **CAR_NRW0032903**) the operator was instructed to submit the overdue monitoring returns for 2016, 2017, 2018 and 2019 (Q1 & Q2). In their subsequent response the operator confirmed the following:

- Water Quality Data for 2016 had been lost and was no longer available – reason: data lost following the departure of senior personnel and deficiencies in the site's data management procedures.
- Water Quality Data for 2017 had been lost – for the same reason as noted above
- Water Quality Data for 2018 was incomplete – for the same reason as noted above.
- Water Quality Data for 2019 (for Quarter 1 and Quarter 2 was incomplete) – for the same reason as noted above.

Whilst the operator has since submitted the Q3 2019 return was on time, the Q4 2019 submission was both late and incomplete – see assessment below.

In response to the failures noted above, the operator have undertaken a review of procedures and data management systems and have instigated measures to ensure there is no re-occurrence of this monitoring and reporting failure. However it still appears that communication and data management issues are resulting in the delay (or incomplete submission of data).

Note: Over this period (2016 to 2019) the site permit has been subject to two variations therefore the permits used in our assessment will differ slightly, depending on the period being assessed.

- Permit FP3434UB (as amended¹) covers the assessment period 2016, 2017, 2018 and up to 29th January 2019.
- Permit WP3231NB/V002 covers the period between 30th January 2019 to 22nd November 2019.
- Permit WP3231NB/V003 covers the period from the 23rd November 2019 onwards.

2016 & 2017 Effluent Monitoring Reporting

- The failure to report the water monitoring results for analysis undertaken over the 2016 and 2017 periods are considered breaches of condition 4.1.2 - FP3434UB (as amended).
- The failure to keep the water monitoring records, for the 2016 and 2017 periods are considered breaches of condition 3.1.6 FP3434UB (as amended).
- Due to the absence of any data for 2016 we will not be able to assess compliance against the effluent emission limits set in the permit.
- The reporting and data retention failures is also considered breaches of the permit's overarching management condition, 1.3.1 FP3434UB (as amended).

Compliance classification: The failures noted above for the 2016 and 2017 reporting period have been attributed a compliance classification score (ccs) of 2. The score will be listed against the g4 compliance heading.

¹ FB3434UB Version 001 (7 May 2007); FB3434UB Version 002 (3 October 2008); FB3434UB Version 003 (22 March 2013); WP3231NB T/001 (20 August 2013) Transfer.

2018 Effluent Monitoring Reporting

Reporting Failures (2018):

- The late reporting of the 2018 effluent monitoring results is considered a breach of condition 4.1.2 - FP3434UB (as amended).

Compliance classification: The failures noted above for the 2018 reporting period have been attributed a compliance classification score (ccs) of 2. The score will be listed against the g4 compliance heading.

- The results provided for 2018 have the following deficiencies:

Monitoring Failures (2018):

- There was no analysis undertaken for the nitrite parameter over the 2018 period.
- There was no analysis undertaken for the ammoniacal nitrogen parameter over the 2018 Q1 and Q2 periods.
- There were no results available for BOD parameter over the 2018 monitoring period.
- There were no results for the mercury and cadmium parameters over the 2018 period.

The failures to monitor these parameters over the 2018 period are a breach of condition 2.10.1 FP3434UB (as amended).

Compliance classification: The failures noted above for the 2018 reporting period have been attributed a compliance classification score (ccs) of 2. The score will be listed against the g1 compliance heading.

Emission Limit Failures (2018):

- The results submitted for the flow parameter, indicate that there were several exceedances of the flow limit, over the 2018 monitoring period.
- The results submitted for the TSS parameter, indicate that there were several exceedances of the TSS limit, over the 2018 monitoring period.
- The results submitted for the temperature parameter, indicate that there were several exceedances of the limit, over the Q3 2018 monitoring period.

These breaches of the permit effluent emission limits over the 2018 monitoring period are a breach of condition 2.2.2.4 FP3434UB (as amended).

Compliance classification: The failures noted above for the 2018 reporting period have been attributed a compliance classification score (ccs) of 2. The score will be listed against the e3 compliance heading.

Notification (Schedule 5) failures (2018)

- The exceedances to the effluent emission limits over the 2018 monitoring period should have resulted in the submission of a formal (Schedule 1) notification to NRW.

This notification failure is a breach of conditions 5.1.1 & 5.1.2 FP3434UB (as amended).

Compliance classification: The failures noted above for the 2018 reporting period have been attributed a compliance classification score (ccs) of 2. The score will be listed against the g4 compliance heading.

2019 Effluent Monitoring Reporting

Reporting Failures (2019):

- The late reporting of the 2019 effluent monitoring results for Q1, Q2 & Q4 is considered a breach of condition 4.2.3-WP3231NB/V002.

Compliance classification: The failures noted above for the 2019 reporting period have been attributed a compliance classification score (ccs) of 2. The score will be listed against the g4 compliance heading.

- Q3 effluent monitoring results were submitted in accordance with the permit's reporting requirements.
- The results provided for 2019 have the following deficiencies:

Monitoring Failures (2019):

- There was no analysis undertaken for the nitrite parameter between January and November 2019.
- There was no analysis reported for the ammoniacal nitrogen parameter over the Q2 and October 2019 periods.
- There were no results available for BOD parameter over the January to November 2019 monitoring period.
- There were no results for the mercury and cadmium parameters reported over the 2019 period.

These failures to monitor these parameters, to the frequency specified in the permit, are a breach of condition 3.3.1 WP3231NB/V002

Compliance classification: The failures noted above for the 2019 reporting period have been attributed a compliance classification score (ccs) of 2. The score will be listed against the g1 compliance heading.

Emission Limit Failures (2019):

- The results submitted for the flow parameter, indicate that the flow limit was breached in Q1 2019 monitoring period. The Q2, Q3 & Q4 submissions indicated the flow was compliant.
- The results submitted for the TSS parameter, indicate that there were three exceedances of the TSS limit, over the Q1 2019 monitoring period. The Q2, Q3 & Q4 reports indicated the TSS was compliant.
- The results submitted for the temperature parameter, indicate that there were several exceedances of the limit, over the Q3 2019 monitoring period. However the limit currently in this permit indicates a limit of 21. The correct limit should be 25. When applying this limit there have been no exceedances. Note to operator: temperature limit will need to be corrected as part of the next variation.
- The (new) TOC limit was exceeded on the 13th of November, however as the permit (with the revised limits) was not issued until the 22nd of November this exceedance is not considered a breach of permit. Note: This exceedance was reported by the operator in accordance with the notification requirements of the permit.

These breaches of the permit effluent emission limits over the 2019 monitoring period are a breach of condition 3.1.2- WP3231NB/V002

Compliance classification: The failures noted above for the 2019 reporting period have been attributed a compliance classification score (ccs) of 2. The score will be listed against the e3 compliance heading.

Note: During July 2019 NRW responded to a pollution complaint relating to the Afon Teifi. Our investigation revealed that the effluent discharge from the site to the Afon Teifi was in breach of EPR emission limits (see ref CAR_NRW0035561 dated 20th July 2019 issued 12th August 2019). In response the operator ceased all effluent discharges from the site to the Afon Teifi until improvements to the site's effluent treatment plant were completed. The operator has confirmed that there were no effluent discharges to the Afon Teifi from the 28th of July 2019 until the 25th of September 2019 whilst these improvements were underway. Effluent discharges resumed on the 26th of September 2019. The operator have also since confirmed that they will ensure monitoring will be undertaken and reported in accordance with the requirements of the permit. See enforcement section below

Notification (Schedule 5) failures (2019)

- The exceedances to the effluent emission limits over the 2019 monitoring period should have resulted in the submission of a formal (Schedule 5) notification to NRW. With the exception of the TOC failure in Nov 2019 no submissions were made over the 2019 period.

This notification failure is a breach of conditions 4.3.1 - WP3231NB/V002.

Compliance classification: The failures noted above for the 2019 reporting period have been attributed a compliance classification score (ccs) of 2. The score will be listed against the g4 compliance heading.

Ongoing Investigation and Enforcement

- Whilst there have been notable improvements in both the quality of the emissions, monitoring and reporting, there remain some deficiencies that the operator must now address – see actions.
- The investigation into the failures identified in this report, including the discharge discovered in July 2019 (CAR_NRW0035561), are still ongoing. Once the investigation has been completed NRW will consider the most appropriate enforcement action to be undertaken, in accordance with NRW's enforcement policies.

End of section 2

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 February 2020

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.

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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			
g4 & g1	2	<ul style="list-style-type: none"> Operator to ensure future compliance with the monitoring, reporting and notification requirements of the permit. 	Immediate
		<ul style="list-style-type: none"> The operator to submit the missing results for mercury and cadmium 	14 th February 2020
e3	2	<ul style="list-style-type: none"> Operator to ensure effluent is compliant with site's emissions limits. 	Improvements to existing plant completed in September 2019

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.