

Compliance Assessment Report CAR_NRW0039215

Permit being assessed: BU8002IT.

For: Cross Hands, held by Dunbia UK

At: Cross Hands Business Park West , Cross Hands, Carmarthenshire, SA14 6RF.

Type of assessment carried out: Check Monitoring/Sampling, Reason: Routine.
On 31/12/2021.

Parts of permit assessed: 2.2.2.7

NRW Lead Officer: Ieuan Davies.

Report sent to: Katy Rogers, EHS Manager on 03/02/2022.

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	2.2.2.7
E3 - Emissions - Surface water	C3 Minor	2.2.2.7
E3 - Emissions - Surface water	C3 Minor	2.2.2.7
H2 - Resource Efficiency - Energy efficiency	Assessed (A)	
E5 - Emissions - Waste	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	
D2 - Incident Management - Accidents, emergency and incident planning	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
3	12

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	NRW recognise the work that Dunbia (UK) has undertaken to resolve the issue but further work will need to be considered to ensure additional breaches are prevented/minimised.	27/01/2022
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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

Introduction

The purpose of this Compliance Assessment Report form (CAR) is a part review of the Quarter 1 to Quarter 4, 2021 monitoring submissions (W1 – Releases to Surface Water Emission point W5) made by the operator in April 2021, June 2021, September 2021 and January 2022. This assessment also includes the recording of breaches of environmental permit arising from the exceedance of a permitted emission limit reported within Schedule 1 notice/s.

Dunbia (UK) submitted its annual returns on the 25th January 2022 and NRW acknowledges that the submitted reporting forms R1 (Waste) E1 (Energy consumption) and WU1 (Water Usage) are received as required by their environmental permit. Dunbia (UK) have also submitted their Fugitive Emission Action Plan, Environmental Incident Response Plan, Environmental Incident Response Procedure as required by their environmental permit.

Schedule 1 Submissions

Permit condition 2.2.2.7 specifies that:

The limits for the emissions to water for the parameter(s) and emission point(s) set out in Table 2.2.2.7 shall not be exceeded.

Emission limits for W5 are as follows:

Table 2.2.2.7: Emission limits to water and monitoring

Emission point reference	Parameter	Limit	Monitoring Frequency	Monitoring Method
W5	pH	6 – 9	Monthly	BS ISO 10523 (or equivalent)
W5	Biochemical Oxygen Demand	10mg/l O ₂	Monthly	BS EN 1899-2 (or equivalent)
W5	Visible Oil	No visible oil sheen	Monthly	Visual Inspection
W5	Ammonia	0.25mg/l	Monthly	BS 6068.2 (or equivalent)

W5	Conductivity	1000µS/cm	Monthly	BS 6068: Section 2.35: 1993
W5	Total Suspended Solids	80mg/l	Monthly	BS 2690: 1981

Quarter 1 2021

Emissions monitoring data submitted via a Schedule 1 form on the 28th April 2021 demonstrated a breach of Ammonia limit at W5. Upon investigation, Dunbia (UK) further clarified "Water was stagnant in bottom of manhole on the day water samples were taken. Lack of rain fall for a number of weeks. It is not believed this sample is an accurate representation of W5 discharge." The surface water sampling procedure has since been reviewed to ensure that all samples taken at W5 are representative. This is accepted by NRW with no attributable score.

Quarter 3 2021**Ammonia**

Emissions monitoring data submitted on 17th September 2021 demonstrates that the measured Ammonia result at W5 on 21st August 2021 was 0.6mg/l. This is an exceedance of permitted emission limits and represents non-compliance with the environmental permit.

Compliance: As a result of this non-compliance a CCS Score of CCS3 has been recorded against compliance sub-criteria (E)(3) Surface Water.

Quarter 4 2021**Ammonia**

Emissions monitoring data submitted on 22nd December 2021 demonstrates that the measured Ammonia result at W5 on 30th November 2021 was 0.9mg/l. This is an exceedance of permitted emission limits and represents non-compliance with the environmental permit.

Emissions monitoring data submitted on 24th January 2022 demonstrates that the measured Ammonia result at W5 on 29th December 2021 was 0.6mg/l. This is an exceedance of permitted emission limits and represents non-compliance with the environmental permit.

Compliance: Multiple breaches of the same parameter at the same emission point, in the same quarter will be consolidated. Therefore, the Ammonia non compliances stated above have been consolidated to form a single CCS Score of CCS3 and has been recorded against compliance sub-criteria (E)(3) Surface Water.

Conductivity

Emissions monitoring data submitted on 22nd December 2021 demonstrates that the measured Conductivity result at W5 on 30th November 2021 was 3230uS/cm. This is an exceedance of permitted emission limits and represents non-compliance with the environmental permit.

Compliance: As a result of this non-compliance a CCS Score of CCS3 has been recorded against compliance sub-criteria (E)(3) Surface Water.

Action

The W5 emission point at the Dunbia facility is referenced within the facilities Environmental Permit as "All surface water and roof water from site buildings" and is not directly linked to a process activity at the facility. Dunbia continue to employ a falconer and have assured NRW roof areas and guttering are routinely cleaned as stated in previous CAR forms. NRW recognise the work that Dunbia (UK) has undertaken to resolve the issue but further work will need to be considered to

ensure additional breaches are prevented/minimised.

Dunbia have previously requested the Ammonia requirement be amended within the facilities Environmental Permit. If Dunbia would like to continue with this request a permit variation will need to be submitted. NRW have stipulated a robust and detailed justification will be required in addition to a risk assessment following methodology: [H1 annex D2: assessment of sanitary and other pollutants in surface water discharges - GOV.UK \(www.gov.uk\)](#). Dunbia will also need to take into account any applicable Water Framework Directive and Habitats Directive targets in their assessment.

[END]

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.