

Compliance Assessment Report

Report ID:
CAR_NRW0032903

This form will report compliance with your permit as determined by an NRW officer

Site	The Creamery	Permit Ref	WP3231NB		
Operator/Permit holder	Dairy Partners (Cymru Wales) Limited				
Regime	Installations				
Date of assessment	31/12/2018	Time in	N/A	Out	N/A
Assessment type	Check Monitoring/Sampling				
Parts of the permit assessed	1 Management; 2 Operations; 3 Emissions and Monitoring; 4 Information				
Lead officer's name	Cowie, Douglas				
Accompanied by	Herbert, Neil				
Recipient's name/position	Robert Peel/ Managing Director	Date issued	23/08/2019		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. 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
C2 - General Management - Management system and operating procedures	C2	1.1.1 General Management
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	X	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.2.3 Reporting of air & water monitoring
	C3	4.2.2 Reporting of annual performance

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	3	Total compliance score (see section 5 for scoring scheme)	39
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Site description

Dairy Partners (Cymru Wales) Ltd operates a milk processing and cheese production facility at The Creamery, Aberarad, Newcastle Emlyn. The company is a subsidiary of Dairy Partners Ltd, a dairy company based in Gloucestershire.

The Creamery is permitted as an installation under Section 6.8 (The Treatment of Animal and Vegetable Matter and Food Industries) of the Environmental Permitting Regulations (EPR). Milk supplied by local farms is pasteurised and processed at the installation to produce mozzarella cheese blocks and other cheese products. The installation operates its own on-site effluent treatment plant (ETP) which receives and treats foul water and effluent from the installation. The ETP is permitted as a Section 5.4 (Waste Treatment) activity and the final treated effluent is discharged to the Afon Teifi.

Purpose of visit/assessment

Natural Resources Wales (NRW) has assessed compliance with the permit monitoring and reporting conditions for the following time periods:

- 2016
- 2017
- 2018

Specifically, we have assessed compliance against the following conditions which appear in the updated and consolidated version of the installation permit (V002):

1.1.1 General Management

3.1.2 Emission limits

3.3.1 Monitoring of point source emissions specified by the permit

4.2.1 Sending reports and notifications to the regulator

4.2.2 Reporting of annual performance

4.2.3 Reporting of monitoring and assessment required by the permit

These conditions consolidate and replace a number of similar legacy permit conditions.

Compliance assessment: Emissions monitoring

NRW cannot assess compliance against permit monitoring conditions 3.1.2 and 3.3.1 and reporting condition 4.2.1 because no monitoring returns and/or reports have been submitted for 2016, 2017 or 2018.

The action(s) necessary to rectify this situation are discussed below.

Compliance assessment: Reporting

Annual performance

The operator has not submitted any annual performance information to the regulator for 2016 or 2017 in accordance with permit condition 4.2.2. This information is required by 31 January each year. The operator has not complied with Condition 4.2.2 of the permit and we have recorded **one CCS Category 3 score** in response to this permit non-compliance.

We acknowledge that annual performance information for 2018 was supplied to NRW by email on 31/03/2019. The operator is reminded that the reporting forms specified in Schedule 4 Table S4.4 must be used to submit this information in future, and the information must be submitted by the 31 January each year.

Emissions to air and water (other than sewer)

The operator has not submitted any air or water monitoring data to the regulator for 2016, 2017 or 2018 in accordance with permit condition 4.2.3. This information is required within 28 days of the end of the relevant reporting periods specified in Schedule 4 Table S4.1, which are quarterly for water emissions and annually for air emissions. The operator has not complied with Condition 4.2.3 of the permit and we have recorded **one CCS Category 3 score** in response to this permit non-compliance.

While an occasional failure to submit this information to the regulator may not have a potential environmental effect, repeated or frequent failures to submit reports or returns will be viewed more seriously by NRW and will impact our compliance scoring accordingly.

The operator must supply the missing monitoring reports for air and water emissions required by the permit to the regulating officer by 06 September 2019. If submitted electronically, all returns/reports should be sent to:

industryregulation.swwales@naturalresourceswales.gov.uk (cc to regulating officer)

NRW will consider what enforcement response is appropriate once the information required by this report has been submitted and considered.

Compliance assessment: Environmental Management System

As we have previously outlined in **CAR 6103**, the operator's written Environmental Management System (EMS) is key to the operator's ability to manage the environmental risks from its activities. An effective management system enables an operator to manage permit compliance and any other legal requirements to protect the environment.

Because there have been repeated breaches of the reporting conditions described above over three years, it is necessary to look at the operator's EMS, organisational structure and resources and assess whether these are sufficient to achieve compliance with the permit monitoring and reporting requirements. NRW recognises there have been staff changes during this period and the operator's EMS has been under development. However, we cannot ignore the fact that fundamental breaches of the permit have occurred, particularly when we had already clearly outlined the permit monitoring and reporting requirements in **CAR 6103** at the beginning of the operator's tenure as the installation permit holder.

It is our view that the operator's management system, structure and resources have not been sufficient to achieve compliance with the reporting conditions in the permit. Therefore, the operator has not complied with General Management condition 1.1.1 and we have recorded **one CCS Category 2 score** in response to this permit non-compliance. The Category 2 score reflects the time over which the associated reporting breaches have occurred.

Monitoring returns and performance reports must be completed and submitted in accordance with the permit requirements to avoid future non-compliance scores.

The operator's permit has been updated and consolidated (EPR/WP3231NB/V002) and now contains modern permit conditions, monitoring and reporting requirements. The operator is advised to read the permit carefully, understand its monitoring and reporting requirements and contact NRW in the event of any queries.

Summary and actions required

No annual performance reports have been submitted to the regulator for 2016 or 2017. Annual performance data for 2018 was submitted to the regulator on 31/03/2019, albeit after the deadline specified in condition 4.2.2 of the permit.

No air and water monitoring returns have been submitted to the regulator for 2016, 2017 or 2018.

The operator has not complied with the permit reporting requirements (conditions 4.2.2 & 4.2.3).

Two CCS Category 3 scores have been issued in response to these non-compliances.

It is our view that the operator's management system, structure and resources have not been sufficient to achieve compliance with the reporting conditions in the permit. Therefore, the operator has not complied with General Management condition 1.1.1 and we have recorded **one CCS Category 2 score** in response to this permit non-compliance.

The operator must supply the missing monitoring reports for air and water emissions required by the permit to the regulating officer by 06 September 2019. If submitted electronically, all returns/reports should be sent to:

industryregulation.swwales@naturalresourceswales.gov.uk (cc to regulating officer)

NRW will consider what enforcement response is appropriate once the information required by this report has been submitted and considered.

The operator is advised to read permit EPR/WP3231NB/V002 carefully, understand its monitoring and reporting requirements and contact NRW in the event of any queries.

[End of Section 2]

EPR Compliance Assessment Report

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Operator/Permit holder	Dairy Partners (Cymru Wales) Limited	Date	31/12/2018

Section 3 – Enforcement Response

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.

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			
G4	C3	Air and water monitoring returns/reports must be completed and submitted in accordance with the permit requirements to avoid future non-compliance scores.	28/10/2019
G1	X	No permit monitoring returns have been submitted to the regulator for 2016, 2017 or 2018. The operator must supply the missing monitoring reports required by the permit to the regulating officer by the date specified in this report.	06/09/2019
C2	C2	The operator's permit has been updated and consolidated (EPR/WP3231NB/V002) and now contains modern permit conditions, monitoring and reporting requirements. The operator is advised to read the permit carefully, understand its monitoring and reporting requirements and contact NRW in the event of any queries.	06/09/2019
G4	C3	Annual performance reports must be completed and submitted in accordance with the permit requirements to avoid future non-compliance scores. The forms in Schedule 4 Table S4.4 should be used for these submissions.	31/01/2020

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 (eg. 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 report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen 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.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.