

	EPR Compliance Assessment Report	Report ID: 5607			
This form will report compliance with your permit as determined by an Natural Resources Wales officer					
Site	Effluent Treatment Plant, Nantycaws		Permit Ref	PP3338CQ	
Operator/ Permit holder	Webs Ltd				
Date	15 th May 2014	Time in	-	Out	-
What parts of the permit were assessed	Inspection of above Ground Tanks				
Assessment	Site Inspection	EPR Activity:	Installation	X	Waste Op
Recipient's name/position	Stephen Pickin				
Officer's name	Neil Herbert		Date issued	30 th June 2014	

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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			Condition(s) breached
a) Permitted activities	1. Specified by permit	N	
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	N	
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	3	1.1.1, a)
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	A	
	2. Noise	A	
	3. Dust/fibres/particulates	A	
	4. Pests, birds & scavengers	A	
	5. Deposits on road	A	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk), A = Assessed or assessed in part (no evidence of non-compliance), N = Not assessed, NA = Not Applicable

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	CCS3(4)
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Ref: 216415

If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

Comments

Introduction

This was an unannounced visit (the unit was unattended) and whilst the primary reason for the visit was the inspection of the adjacent Phase 1 Landfill, we took the opportunity to quickly inspect the Webs leachate treatment facility. Some initial comments were emailed to the operator on the 16th May 2014 detailing issues requiring immediate attention. A response was received immediately by Mr S Pickin.

Background

The operator is currently in the process of preparing a permit application to vary the existing permit's discharge limits for certain parameters and this needs to be progressed quickly. This will also be a good opportunity to update the layout plans to reflect the changes that have occurred at the facility, since the original application was submitted – see later comment. The Phase 1 landfill is also subject to an aftercare closure process which should see the final aftercare provisions being agreed and procedures now formalised for that facility, it is likely that close interaction will be required by the operator of this facility and the Phase 1 site to ensure future compliance is maintained.

Observations

- Several phosphoric acid containers had been left unattended and unsecured at the site. Whilst they had been placed within a bunded area they were sited directly adjacent to a controlled watercourse that flows directly into the Afon Bantwen. Security in this part of the site is clearly an issue (as illustrated by the attached photograph) so it is critical that potentially polluting liquids are only kept in a secured place. Please ensure that procedures are in place to prevent a recurrence of this incident – see compliance.



- We also noted that one of the covers for one of the four above ground tanks was missing. The access ladder to these tanks was also un-secured (i.e. no ladder guard to limit access).



- The original schematic and layout plans for the facility (as submitted in the original application) appear to be out of date and need to be updated to reflect alterations made since the original application.
- The pipework carrying partially treated effluent from an un-identified tank to the drum filter is sited off-ground by a series of thin steel posts. In some locations the pipework is sited either on or possibly outside the containment bund. The pipework is not fusion welded MDPE and as such the current pipework is particularly vulnerable.



- Can you also confirm that the current bund system still provides the same level of protection (i.e. bund capacity) since the bund was originally built. There appears to be at least one new tank within the bunded area, which may reduce the bund capacity. Please also ensure that materials are not stored within the bunded tank (e.g. pallets, containers etc).
- It appears that the “French Drain” that was built to intercept the 2010 leachate breakout on the Southern flank of the Phase 1 landfill has now been diverted to the stream directly i.e. it is no longer diverted to the treatment plant. It is understood that the decision to divert the discharge was made when it was decided that the discharge was no longer contaminated. I must stress that the decision to undertake this diversion is wholly at your risk, if the discharge becomes contaminated you could face enforcement action for an unauthorised polluting discharge.. You must therefore have robust monitoring and inspection procedures in place to ensure this does not happen. Please note that the Phase 1 landfill’s Aftercare Management Plan is now being developed and these procedures will need to be formalised as part of that work (undertaken by Carmarthenshire County Council). However I have noted that you have submitted at least three sets of monitoring returns for the “French Drain” discharge which I have reproduced below, please note that I was unable to establish the dates that the samples were taken.

	Total Iron as Fe	pH	Ammoniacal Nitrogen as N	Total Suspended Solids	BOD + ATU (5 day)	COD (Total)
Date	mg/l	pH units	mg/l	mg/l	mg/l	mg/l
?	0.28	8	<0.27	5	<1	18
?	0.4	8.1	<0.27	16	<1	21
?	1.94	7.8	<0.27	9	<1	20

The monitoring for this point needs to be formalised (in the Phase 1 permit) and limits agreed. Please liaise with the Phase 1 operator to assist in this regard.

- We understand that there has been an issue with the drum filter however this has now been resolved.

As part of our next scheduled visit (July – Sept 2014) we will need to discuss the monitoring format of your submissions however I would request that in the interim any routine reports are only submitted on a quarterly basis. The exception is any notification (e.g. limit exceedance) required under Schedule 5 of your permit and these should be submitted within 24 hours of the incident.

Compliance

The failure to store potentially polluting liquids in a secure way is a breach of condition 1.1.1a) of your permit and an offence. You have been allocated a compliance classification score of 3 for this failure, against the c4 compliance heading. You have been issued with a warning for this failure.

Other Matters

EP OPRA

I have been unable to locate an EP OPRA submission for last year can you please update and resubmit asap please. I have attached a blank version of this year's spreadsheet and a copy of the last submission I have on file (this may help you in updating the current submission).

	EPR Compliance Assessment Report	Report ID: 5607
This form will report non-compliance with your permit as determined by an NRW officer		
Site	Effluent Treatment Plant, Nantycaws	Permit PP3338CQ
Operator/ Permit	WEBS Ltd	Date Issued 30 th May 2014

Section 3- Enforcement Response		Only one of the boxes below 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.	☐	NA
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.	☒	X
We will now consider what enforcement action is appropriate and notify you, referencing this form.	☐	NA

Section 4- Action(s)			
Where a non - compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
c4	3	Procedure to be developed to ensure that all potentially polluting liquids are stored in a secure manner. In this example Phosphoric acid should be stored in lockable areas. All staff should be trained to ensure compliance with this procedure.	Removal of drum – 16 th May 2014. Remaining requirements should already have been implemented.
		Whilst no further breaches have been recorded in this report, the following actions listed below need to undertaken to ensure future compliance at the facility	
		Ensure robust monitoring and inspection procedures in place to ensure "French drain" discharge is not contaminated.	Immediate
		Review the bund capacity for the facility to ensure 110% capacity.	Two weeks from the issue of this report.
		Review suitability of the location of the leachate transmission pipework sited on or near bund.	Review should be undertaken within the month but discussed at our next scheduled visit/meeting (TBC Jul-Sept)
		EP OPRA profile to be completed for 2013/2014	Two weeks from the issue of this report

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 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 which 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 Natural Resources Wales (NRW) to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). 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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

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

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 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 the officer's line managers. 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) 601 0987**.