

## Compliance Assessment Report CAR\_NRW0040749

**Permit being assessed:** AB0044801

For: USK STW GRAIG OLWAY FARM LLANGVIEW, held by DWR CYMRU CYFYNGEDIG  
At: USK STW, NR GRAIG OLWAY FARM, LLANGEVIEW, USK, NP15 1NP.

**Type of assessment carried out:** Check Monitoring/Sampling, Reason: Other.  
On 01/12/2022.

Parts of permit assessed: UWWTR

**NRW Lead Officer:** Simon Worrall.

**Report sent to:** Sharon Evans, Director of Quality Policy and Compliance, on 01/12/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-D1 - Information - Records	C4 No impact	U0

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

### 2. What action is required?

Criteria	Action needed	Complete by
WQ-D1	Improve operations	31/12/2022

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.

**At this time, we do not intend to take any further action.**

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

The interpretation of the permit requirements for preplanning Urban Wastewater crude samples, was discussed and confirmed in writing to Dwr Cymru most recently by Steve Morgans on the 25th of March 2021:

*"Should DCWW intend to use the percentage reduction, it should be pre-programmed to take both influent and effluent samples from the start of the year. Deciding part way through the year to start influent and effluent sampling for percentage reduction will not be acceptable."*

On the 2nd of March 2022, NRW highlighted to Dwr Cymru that Schedule 3C of the EPR permit, states the frequency requirement for sites with a PE between 2,000 to 9,999 should be 12 "following an UWWTR exceedance or failure". This would have affected **USK WWTW** in 2021 as this had a PE between 2,000 and 9,999, and an exceedance that did not have % reduction. This condition is in line with the EA's interpretation of Schedule 3 of the directive. NRW asked Dwr Cymru to increase the frequency of the planned samples for these sites for 2022. Several subsequent versions of the UWWTR schedule were submitted.

On the 2nd of August 2022, Dwr Cymru notified NRW that an FE sample for UWWTR had been submitted in error, as the onsite turbidity was >40 and the crude could not be collected due to equipment failure. NRW allowed this result to be removed, however, the FE result was compliant. This prompted NRW to check that the paired crude was pre-planned. The resubmitted UWWTR schedule V4 did not have the crude sample as pre-planned and so the FE sample should not have been rescheduled. UWWTR requires that a schedule of monitoring dates is submitted before the start of the calendar year, including paired samples.

This is therefore a breach of permit.

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 to 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
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

### If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend non-compliance for up to six months to allow time for remedial action to be taken. These will be re-instated if the action is not completed.

**Full list of water quality action criteria (used in section 1 and 2):****WQ A: Management**

- WQ-A1 General management

**WQ B: Operations**

- WQ-B1 Permitted activities
- WQ-B2 The site
- WQ-B3 Operating techniques
- WQ-B4 Improvement programme
- WQ-B5 Pre-operational conditions

**WQ C: Emissions and monitoring**

- WQ-C1 Emissions to water
- WQ-C2 Emissions to land
- WQ-C3 Emissions of substances not controlled by emission limits
- WQ-C4 Installation of monitoring boreholes

**WQ D: Information**

- WQ-D1 Records
- WQ-D2 Reporting
- WQ-D3 Notifications

**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](mailto: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](mailto: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.