

Compliance Assessment Report CAR_NRW0044019

Permit being assessed: CM0077101

For: PENGWERN HALL, RHUDDLAN, NR RHYL,, held by Cambian Whinfell School Limited
At: Cambian Pengwern College, Pengwern Hall, Bodelwyddan Road, Rhuddlan, Rhyl,
Denbighshire, LL18 5UH.

Type of assessment carried out: Check Monitoring/Sampling, Reason: Routine.

On 04/04/2024.

Parts of permit assessed: Numerical permit limits

NRW Lead Officer: Amy Chisnell.

Report sent to: Cambian Whinfell School Ltd. , The Operator, on 03/05/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	C1 Major	Numerical permit limits
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	C3 Minor	Numerical permit limits
WQ-D3 - Water Quality - Information - Notifications	Action only (X)	
WQ-A1 - Water Quality - Management - General management	Action only (X)	

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

2. What action is required?

Criteria	Action needed	Complete by
WQ-C1	Ensure the package treatment plant is operating correctly and is treating the effluent to the standards outlined in the permit. Provide a written report to NRW no later than the deadline.	31/05/2024
WQ-C1	Ensure the package treatment plant is operating correctly and is treating the effluent to the standards outlined in the permit. Provide a written report to NRW no later than the deadline.	31/05/2024
WQ-D3	Condition 4.3.4 of your permit states: Natural Resources Wales shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules: Where the operator is a registered company: (a) any change in the operator's trading name, registered name or registered office address Please confirm by the deadline 31st May 2024, if the permit	10/05/2024

Criteria	Action needed	Complete by
	is still operated by Cambian Whinfell School Ltd. or Caretech Community Services Ltd.	
WQ-A1	<p>Condition 1.1.1 of your permit: 1.1.1 The operator shall manage and operate the activities:</p> <p>(a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances and those drawn to the attention of the operator as a result of complaints</p> <p>Please provide a copy of the management system</p>	10/05/2024

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

For clarity, this CAR form refers to the routine sample that was taken from the final effluent of the package treatment plant on the 4th April 2024.

Samples were also taken from both upstream and downstream of the discharge pipe in the Pont Robin cut.

The final effluent (FE) sample exceeded the permit limit for ammonia - the limit is 20mg/l and the sample result was 33.9mg/l. This is classed as a C3 non-compliance which could have a minor environmental effect. The permit limits are set in order to protect the quality of the watercourse that the final effluent discharges to.

The sample also exceeded the permit limits for Biological Oxygen Demand (BOD). The permit limit is 35mg/l and the sample result was 150mg/l. This is considered as a C1 non-compliance that could have a major environmental effect. This is the highest (and therefore the worst) score that a non-compliance can have. **This is the 4th BOD breach in 2024 and therefore further enforcement action is being considered.**

Samples were also taken from upstream and downstream of the discharge pipe in the Pont Robin cut. The discharge has slightly increased the concentrations of ammonia and BOD in the watercourse.

See the table below for results.

Parameter type	Unit	Upstream	Final Effluent	Downstream	Compliance Score
0085/BOD ATU	mg/l	<1	150	1.37	1
0092 / COD as O2	mg/l				
0111 / Ammonia(N)	mg/l	0.0291	33.9	0.119	3
0116 / N Oxidised	mg/l	2.2	1	1.96	
0117 / Nitrate-N	mg/l	2.197		1.9549	
0118 / Nitrite-N	mg/l	0.003		0.0051	
0135/Sld Sus@105C	mg/l	11	25.5	11	A
0172 / Chloride Ion	mg/l		220		
0180 / Orthophosph	mg/l	0.0732	3.47	0.0863	
3683 / N Inorganic	mg/l	2.2291	34.9	2.079	
9901 / O Diss %sat	%	94.6	7.5	91.5	
9924 / Oxygen Diss	mg/l	10.5825	0.801014	10.2599	

However, the numeric permit limits have been set based on computer modelling, i.e they are a river needs limit and are set to prevent deterioration of water quality over time in the receiving watercourse.

You have been aware of an environmental impact in the Pont Robin cut for at least 10 months. NRW have given you ample opportunity over these months to investigate and make improvements voluntarily. Unfortunately the progress has been slow the final effluent frequently exceeds its permit limits and the Pont Robin cut continues to be impacted by the activities from your facility. Therefore NRW have decided to issue an enforcement notice to ensure compliance and protect the Pont Robin Cut.

Action: Investigate the cause of these permit failures and ensure that treatment is achieved to the standard outlined in the permit. Please provide NRW of these finding no later than the deadline: 31st May 2024.

Action: Please provide a copy of your maintenance plan for the package treatment plant along with dates it has been serviced. Deadline: 10th May 2024.

Action: Confirm if Cambian Whinfell School Ltd. is still the operator of the permit as

we have noted correspondence from Caretech Community Services Ltd. Deadline: 10th May 2024.

Action: Arrange and carry out investigations into the possible misconnections to the drain that feeds into the Pont Robin cut. Please provide NRW with an update to these investigations, no later than **7th June 2024.**

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 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.