

Compliance Assessment Report CAR_NRW0044937

Permit being assessed: AW1000601

For: Builth Road Wastewater Treatment Works, held by DWR CYMRU CYFYNGEDIG

At: Track past Wye View Terrace, Builth Road, Builth Wells, LD2 3RL.

Type of assessment carried out: Check Monitoring/Sampling, Reason: Routine.
On 04/07/2024.

Parts of permit assessed: Monitoring, Reporting & notification conditions

NRW Lead Officer: Robert Harding.

Report sent to: CARS Mailbox, CARS Mailbox , on 13/08/2024.

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	C2 Significant	3.1.2 The limits in schedule 3 table S3.1 to which this condition applies may be exceeded where: in any series of samples of the discharge taken at regular but randomised intervals in any period of twelve consecutive months as listed in column 1 of schedule 3A, no more than the relevant number of samples, as listed in column 2 of schedule 3A, exceed the applicable limit for that relevant parameter.

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	Investigate the cause for repeated exceedances. Improve operations to remain compliant with permitted conditions	31/10/2024

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

On 04th July 2024, A routine OSM sample was taken which exceeded the allowable limits for Biochemical Oxygen Demand (Determinant 85) as described within the emissions and monitoring schedule of Permit AW1000601 (Schedule 3A). The sample contained 67 mg/l BOD, with an allowable limit of 40mg/l.

Exceedance details are as follows

Sample date	Parameter no.	Value / mg/l	Parameter limits / m/l	Sample frequency in last 12 months
28/05/2024	85	48	40	16
20/06/2024	85	89	40	17
04/07/2024	85	67	40	16

This is the third sample exceedance for BOD in the past 12 months, and is therefore a breach of permitted look up table conditions, as only two LUT exceedances are permitted within any 12 Month Period as specified in Schedule 3A **. 16 Samples had been taken within the 12-month period, based on this number of samples the allowable number of exceedances (95% limits) is 2.

*****Breach of Permit Condition***

3.1.2- The limits in schedule 3 table S3.1 to which this condition applies may be exceeded where: in any series of samples of the discharge taken at regular but randomised intervals in any period of twelve consecutive months as listed in column 1 of schedule 3A, no more than the relevant number of samples, as listed in column 2 of schedule 3A, exceed the applicable limit for that relevant parameter.

This noncompliance has been assessed as a Category 2 breach of the permitted condition. A noncompliance with the potential to have a significant impact or effect on the environment. As set out as under the scoring categorisation guidance “More than the number of (allowed) exceedances but less than twice the allowed number using the LUT condition specified in the permit.” Continued exceedance of permitted limits can result in significant impacts on water quality within the receiving watercourse.

** - The current emissions limit for BOD (40mg/l) came into the effect from 02/02/2024, replacing the previous limit of 210mg/l . Therefore any previous sample results over the current limit (40gm/l) have been omitted from this calculation.

Take note that any further sampling exceedances for BOD before 28/05/2025, will result in an additional noncompliance under Condition 3.1.2 (Table S3.1 and 3A).

Actions Required- by 31/10/2024

Please investigate the cause of these sample exceedances and take appropriate steps to prevent further noncompliance. There have now been three exceedances for BOD since the revised limit was introduced in February 2024. This is a cause for concern and indicates there are issues with the performance of this treatment works. Please provide details of the investigation undertaken, outcomes and details of measures which will be taken to prevent further noncompliance. Details to be provided to Natural Resources Wales by 31/10/2024.

NB- Revised CAR form issued to update dates on form, as there were previously two incorrect dates listed. Confirmation that sample date is 04/07/2024, revised limits were introduced February 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.