

Compliance Assessment Report

Report ID:
CAR_NRW0036612

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

Site	LLECHRYD W T W	Permit Ref	BN0019101		
Operator/Permit holder	DWR CYMRU CYFYNGEDIG				
Regime	WaterQuality				
Date of assessment	14/05/2020	Time in	N/A	Out	N/A
Assessment type	Site Inspection				
Parts of the permit assessed	See criteria listed below				
Lead officer's name	Goddard, Jeremy				
Accompanied by					
Recipient's name/position	CARS Mailbox/ CARS Mailbox	Date issued	14/05/2020		

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
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	OSM 1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	OSM 13 (a) and (b)

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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

On 21 April 2020 the Ceredigion Environment Team were notified that Dwr Cymru had not submitted 2019/20 OSM data for permit BN0019101 at Llechryd WTW. It was noted that there are two active Environmental Permits for Llechryd WTW, BP0251001 and BN0019191, there was no clarity as to whether both of these permits were still used and required.

Further investigation has concluded that permit BN0019101 dates from 1970 and relates to a discharge into a tributary of the Afon Teifi known as the Nant Elfed. BP0251001 is a newer permit and it is under the conditions of which that the site makes its routine discharges into the Afon Teifi.

Condition OSM 1 from OSM WTW T2 Modification Notice dated September 2009 states: *'The Consent Holder shall, unless otherwise agreed in writing by the Agency, undertake a monitoring programme for the parameters specified by this consent which control the effluent quality by numeric limits, at not less than the frequencies specified in Annex T2 OSM 2 to this permit'.*

No monitoring programme has been undertaken for this permit in the financial year 2019/20, which is a permit non-compliance.

Condition OSM 13 (a) from OSM WTW T2 Modification Notice dated September 2009 states: *'A summary report of compliance with the monitoring programme referred to in condition OSM 1 shall be made for each calendar year, and (b) shall be submitted to the Agency within two months following the end of the year and shall have the data summarised and shall be in the format required by the Agency.'*

A summary report showing compliance with the monitoring programme has not been submitted to Natural Resources Wales for financial year 2019/20, which is a permit non-compliance.

Dwr Cymru have confirmed that permit BN0019101 relates to the discharge from a settlement lagoon at the WTW. Up until recently the waste plant had been unable to use the lagoon as the pipework from the sludge thickener to it was cracked and un-stable. The pipework has now been repaired and it would be possible to discharge water from the sludge thickener into the lagoon. The lagoon could be utilised if there was an incident of carry-over of e.g. solids in the supernatant water. In order to prevent this water from going to the OSM discharge point for permit BP0251001 (and potentially causing a non-compliance) it could be re-diverted to the lagoon for settlement and from here there would be the option of discharging via the Nant Elfed discharge point or having it tankered away.

Dwr Cymru have stated that in the short-term they want to maintain permit BN0019101 to allow the option of a discharge from the lagoon, if needed.

ACTION: If this permit is to be maintained then the OSM monitoring requirement for this permit will remain and should be adhered to. We do however note that due to the infrequent requirement to discharge via this discharge point it is unlikely that there will be an actual flow when OSM sampling is undertaken by Dwr Cymru. Permit BN0019101 should be added to your OSM programme and if there is no flow at the time of sampling a record of 'No Flow' be noted. In the event that Dwr Cymru decide to discharge from this point they should notify Natural Resources Wales via the OPNOT procedure and take a sample of the discharge to ensure it is compliant with the limits listed within permit

BN0019101. If operations change and regular discharges are required via permit BN0019101 we request that Dwr Cymru notify Natural Resources Wales in writing. Provided that Dwr Cymru are confident that the discharge can comply with the set permit limits you can revert to just the OSM monitoring programme without the need to submit an OPNOT and take a sample each time a discharge is made.

ENDS

EPR Compliance Assessment Report

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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.

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.

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	Ensure that the permit is added to the OSM programme and a summary report is submitted to Natural Resources Wales within two months following the end of the year.	31/05/2021
G1	C3	Ensure that OSM samples are taken as specified by the permit. If discharge is to be used infrequently then Natural Resources Wales should be notified of via the OPNOT process. Infrequent discharges will require spot sampling to ensure permit compliance.	31/03/2021

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.