

Compliance Assessment Report CAR_NRW0038636

Permit being assessed: AF4027401

For: TIRYBERTH COUNCIL DEPOT NEW ROAD TI, held by CAERPHILLY COUNTY BOROUGH COUNCIL

At: TIRYBERTH COUNCIL DEPOT, NEW ROAD, TIRYBERTH, HENGOED, .

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

On 16/07/2021, between 09:00 and 17:00.

Parts of permit assessed: All

NRW Lead Officer: Luke Burton.

Report sent to: Caerphilly County Borough Council, Single Point of Contact - Ceri Davis, District Environmental Health Officer, on 17/08/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-C1 - Emissions and monitoring - Emissions to water	C3 Minor	(III) volume or rate of discharge of effluent from land or premises

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	Multiple - See body of Compliance Assessment Report	17/01/2022

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.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

Following a round of monitoring by a third party appointed by Caerphilly County Borough Council (CCBC) in October 2019, it has been established that the flows of wastewater entering and leaving

the the Tir-Y-Berth depots permitted wastewater treatment system (bio-disc) are above those currently permissible under the environmental permit.

The permit specifies maximum flows of 7.274m³ per day. However, an average flow of 17.2m³ and a maximum flow of 184.9m³ was recorded.

This larger than permitted flow is a breach of permit condition (III) *volume or rate of discharge of effluent from land or premises* and has been scored Category 3 non-compliance in that it could foreseeably result in pollution classified as category 3/low impact. It is therefore important that the non-compliance is addressed as it could have an impact on the environment.

In order to bring the activity back into compliance – The flows will either have to be reduced to within permitted levels or the permit varied to account for the new flows.

Should any permit be varied to increase flows, a cost-benefit analysis examining the site's ability to connect to foul sewer and modelling of the new discharge volumes effect on the environment, must be conducted, as a minimum.

To discuss this, a site visit in between representatives of CCBC and Natural Resources Wales (Luke Burton, Environment Officer and James Wakeford, Senior Permitting Officer) was held on 16 July 21.

Following on site discussions, CCBC's preferred option to return to compliance is to firstly investigate the root cause of the high flows by examining the possibility of reducing the wastewater flows produced by the Tir-Y-Berth depot.

Natural Resources Wales appreciate that this is a complex non-compliant situation which may take time to resolve due to investigations into flows and possible amendments to the site.

Providing that Natural Resources Wales see an on-going commitment from CCBC to investigate, make the necessary site amendments within specified timescales, and, the wastewater treatment system does not cause environmental harm beyond its current classification (category 3/low), we are happy to suspend further breaches of this permit condition in our permit compliance assessments for 6 months.

We must not suspend the first non-compliance that led to us taking the enforcement action, as this ensures we capture the effort involved in regulating the site within its compliance rating. Where the actions require longer than six months to rectify then we shall recommence active scoring after six months so as to reflect our ongoing effort at the site.

Whilst on site and following off-site observations of the site's drainage plan a number of improvements to comply with best practice for pollution prevention were observed. Namely the introduction of oil separators to specific areas. Best practice for pollution prevention not being followed has been determined not to relate to breaches of specific permit conditions, therefore this non-compliance has not been scored in this Compliance Assessment Report. Actions to comply with best practice have been included though for ease of reference and for the action plan required below to act as a vehicle for Natural Resources Wales to monitor progression.

Actions:

General

Action 1: Investigate all possible sources of flow entering the site's foul sewer system and remove

those which should not be entering it and are contributing to the non-permitted flow received by the wastewater treatment system.

Storm Water / Surface Water

It was stated by CCBC during the visit that rainwater falling onto roofs, car parks and highways possibly enters the foul sewer which enters the treatment system.

We strongly discourage allowing any clean water from buildings, car parks and roads entering sewage treatment systems as the treatment system can become overloaded in heavy downpours and reduce the ability of the system to treat sewage effectively, causing pollution.

Action 2: Investigate if building roofs, car parks and highway drains drain to foul sewer or not. If they do redirect them to surface water drains / storm drains, or, to a 'sustainable drainage system' (SUDS) within an agreed timescale.

Car park and goods vehicle / refuse vehicle

On site there are a number of car parks and good vehicle / refuse vehicle yards.

Car parks typically larger than 800m² in area or for 50 or more car parking spaces require an oil separator to remove pollutants from its surface water drainage. According to your drainage plan, your onsite car park at the bottom of your site is 3,231m³ and does not currently have an oil separator serving it. However, you do not need an oil separator if you use SUDS such as an infiltration trench to capture water from the car park and allow it to exfiltrate into the surrounding soils.

Areas with a risk of regular contamination of surface water run off with oil and/ or risk of larger spills e.g. vehicle maintenance area, Goods Vehicle parking or vehicle manoeuvring require a full retention separator with an alarm. According to your drainage plan submitted, the refuse vehicle parking area has either not been surveyed or does not have any drains.

Action 3: For the car park, either install a SUDS system to capture rain water / snow melt from your car park drains, or, decrease the size of the car park, or, install an interceptor to capture rain water / snow melt before discharging it to surface water / storm water sewer

Action 4: For the goods vehicle / refuse vehicle area, commission a new survey to establish if an interceptor is present for this area and ensure it connects to a surface water / storm water sewer, or, if it does not have an interceptor install a full retention separator with an alarm which discharges to surface water / storm water sewer

Vehicle wash down area

During the site visit, we observed a vehicle wash down area.

Effluent and run-off from vehicle washing and cleaning activities can damage the environment and pollute rivers, streams, and groundwater. Dirt, brake dust, traffic film residue and oil that is washed off are all pollutants. Dirty water or run-off from vehicle washing and cleaning carried out as a business or industrial activity is called trade effluent and must either be discharged to foul sewer under consent from the sewage undertaker or discharged to the environment under an environmental permit. According to your drainage plans the effluent from the vehicle washing area discharges to surface water, which is not allowed.

Action 5: We ask that you either, in order of preference, install a new vehicle washing that recycles washing water and creates no discharges, or, direct the effluent from the vehicle washing area to sewerage undertaker owned foul sewer (with consent), or, direct the effluent from the vehicle washing area to foul sewer leading to the bio-disk, providing that effluent first flows through a suitable full retention oil separator with an alarm first, within an agreed timescale.

Action Plan

Action 6: Please provide in writing for Natural Resources Wales approval, a timetabled action plan for completion of all the above actions within 1 month of this Compliance Assessment Report. Natural Resources Wales will then monitor the progression against the agreed timescales. Please aim to complete all actions within 6 months.

Monitoring

Action 7: Following your investigation and changes within the agreed timescales. Please provide in writing for Natural Resources Wales comment, a monitoring plan which establishes the flow of foul wastewater entering your treatment system, over a statistically significant period of time. Following comment, conduct that monitoring and report back your findings to Natural Resources Wales to discuss next steps in respect of your permit.

END

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.