

Compliance Assessment Report CAR_NRW0039505

Permit being assessed: CP3226GG

For: WELSH LADY PRESERVES, held by THE CLAREDON FOOD COMPANY LIMITED
At: BRYN, Y FFOR, PWLLHELI, GWYNEDD, LL53 6RL.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number: 2200960).

On 02/03/2022, between 14:00 and 15:10.

Parts of permit assessed: Whole permit

NRW Lead Officer: Simon Roberts.

Report sent to: John Jones, Managing Director, on 28/03/2022.

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	Date of non-compliance 02/03/2022 with permit condition 3.1 Emissions to Water: 3.1.2 – The limits given in schedule 3 shall not be exceeded – Table S3.1 – The discharge must be clear
WQ-C1 - Emissions and monitoring - Emissions to water	C3 Minor	Date of non-compliance 02/03/2022 with permit condition 3.1 Emissions to Water: 3.1.2 – The limits given in schedule 3 shall not be exceeded – Table S3.1 – The discharge must have no adverse visible effect on the receiving water, the bed of the watercourse or any plants or animals within the watercourse.
WQ-C1 - Emissions and monitoring - Emissions to water	C3 Minor	Date of non-compliance 02/03/2022 with permit condition 3.1 Emissions to Water: 3.1.2 – The limits given in schedule 3 shall not be exceeded – Table S3.2 Discharge

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		Points – Discharge point NGR SH39680 40675. Receiving water/Environment – Afon Erch
WQ-D3 - Information - Notifications	C3 Minor	Date of non-compliance 02/03/2022 with permit condition 4.3 Notifications: 4.3.1 – The Environment Agency shall be notified without delay following the detection of: (a) any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution

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	Undertake essential maintenance on sewage treatment plant in order to comply with permit condition	30/04/2022
WQ-C1	Undertake maintenance on sewage treatment plant in order to comply with permit condition	30/04/2022
WQ-C1	Undertake maintenance on sewage treatment plant in order to comply with permit condition	30/04/2022
WQ-D3	Undertake maintenance on sewage treatment plant in order to comply with permit condition	30/04/2022

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

This Compliance Assessment Report (CAR) Form is issued in regards to a non-compliance of:

Permit Condition 3.1. Emissions to Water -

3.1.2 – The limits given in schedule 3 shall not be exceeded –

Table S3.1

Visual appearance - The discharge must be clear

Visual appearance - The discharge must have no adverse visible effect on the receiving water, the bed of the watercourse or any plants or animals within the watercourse

Table S3.2

Discharge Points – Discharge point NGR SH39680 40675. Receiving water/Environment – Afon Erch

Permit condition 4.3 Notifications:

4.3.1 – The Environment Agency shall be notified without delay following the detection of:
(a) any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution.

On the 2nd of February 2022 Natural Resources Wales (NRW) officers undertook a site visit to the Sewage Treatment Works (STW) serving The Clarendon Food Company Limited (Trading as Welsh Lady Preserves) located at SH3968540601 following a pollution incident report that sewage effluent was overflowing to land.

During the site visit the incident was substantiated. Untreated sewerage was seen discharging from the outfall pipe into a small stream, with an accompanying sewerage odour. Sewage Fungus was clearly seen in watercourse near the discharge point.

It was explained to the officers that a mechanism had failed on the STW, and that someone had recently had a look at the filter bed - but that the mechanism was still faulty. It was also stated that the settlement tank had very recently been emptied, but that mechanism that turns the arm on the filter bed did not work.

On inspection of the Sewage Treatment Works it became clear that:

- STW was rundown and overgrown with brambles. Filter bed was not operational.
- Filter bed did not appear as though it had been operational for numerous years - rust was seen on and below filter arm, and brambles had overgrown into filter bed which suggested that movement of the arm would be difficult if not impossible,
- Sewage sludge had overflowed into the filter bed, which resulted in a grey sludge in the filter bed which had a strong sewage odour.
- big crack in filter bed wall, and grey sewage was seen in chamber which led to the

effluent discharge pipe.

NRW officers also raised concerns regarding the location of the outfall pipe, which was into a small stream. There was very little flow in the stream - this was following a recent period of heavy rain. It was suspected that flow in the stream would dry up in summer. This raises the concern that any discharged effluent might be inadequately diluted by the flow in the stream. The permitted discharge point is to the Afon Erch itself, at grid reference SH39680 40675

We had also the following concerns regarding the discharge pipe:

- Flow out of pipe was very low, making us question where the flow from the factory actually discharged to, and if it was stored in STW like a septic tank?
- Pipes showed signs of lack of maintenance, with several small holes visible, possible caused by rodents.

During the site visit NRW officers made it clear that the situation as it is would be considered serious, and urgent action is required by the permit holder to remedy the situation and substantially improve the quality of the discharge.

Please ensure that by the **30th of April 2022** you present NRW officers with a:

1. Competent report on the current condition of the plant.
2. The report should outline what remedial action is required to make the plant compliant with the permit in the short term.
3. The report should outline what remedial action is required to ensure long term compliance with the permit conditions.
4. If the STW is not possible to fix, how you intend to deal with discharges to the environment from the site.
5. How you will legally dispose of any waste material produced at the site, including the sewage sludge material within the filter bed.

As part of the required report, NRW officers would like to receive a timeline for remedial action to ensure long term compliance for the STW.

It is recommended that you employ the services of a competent sewage consultant to produce this report and list of proposed actions on your behalf.

You will also need to consider the process of moving the current discharge point so that it complies with your discharge permit. Since the Afon Erch is a 'main river', a 'Flood Risk Activity Permit' might be required from NRW for this work. NRW officers can provide you with further advice.

It should be noted that if the necessary improvements works, or alternative and acceptable actions aren't carried out or aren't progressed in a timely manner then NRW might be forced to carry out further enforcement action, including the serving of an enforcement notice.

Please note any reference within the CAR/ permit to the Environment Agency means Natural Resources Wales.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order 2012.

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.