

Compliance Assessment Report CAR_NRW0039702

Permit being assessed: CM0164401

For: Connahs Quay Linden Avenue - CSO, held by DWR CYMRU CYFYNGEDIG

At: Linden Avenue, Connahs Quay, Deeside, CH5 4SW.

Type of assessment carried out: Audit, Reason: Routine.

On 01/03/2021.

Parts of permit assessed: Monitoring and Reporting

NRW Lead Officer: Angela Roberts.

Report sent to: CARS Mailbox, CARS Mailbox, on 26/04/2022.

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 | 3.1.1 The operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring specified in the following tables in schedule 3 to this permit: (a) point source emissions specified in tables S3.1 and S3.4. |
| WQ-C1 - Emissions and monitoring - Emissions to water | C3 Minor | 3.1.2 The operator shall maintain records of all monitoring required by this permit. |
| WQ-C1 - Emissions and monitoring - Emissions to water | C3 Minor | 3.1.3 An accessible monitoring point shall be provided and maintained to enable the emissions monitoring programme to be carried out at the monitoring point specified in table S3.4 of schedule 3 and shown marked on the site plan in schedule 7. |
| WQ-C1 - Emissions and monitoring - | C3 Minor | 3.1.4 The operator |

| Part of permitted activity assessed (criteria) | Assessment result | Permit condition |
|--|-------------------|--|
| Emissions to water | | shall take appropriate measures to ensure that the event recorder remains fully operational at all times within the reference period specified in table S3.1. Any failures shall be remedied as soon as reasonably practicable. |
| WQ-D2 - Information - Reporting | C3 Minor | 4.2.2 Within the time period after the end of the reporting period specified in schedule 4 table S4.1 the operator shall, unless otherwise agreed in writing by Natural Resources Wales, submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows: (a) in respect of the parameters and monitoring points specified in schedule 4 table S4.1; (b) for the reporting periods specified in schedule 4 table S4.1 and using the forms specified in schedule 4 table S4.2; and (c) giving the information from such results and assessments as may be required by the forms specified in those tables. |

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 | Comply with Permit Conditions | 26/07/2022 |
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| Criteria | Action needed | Complete by |
|----------|-------------------------------|-------------|
| WQ-C1 | Comply with Permit Conditions | 26/07/2022 |
| WQ-C1 | Comply with Permit Conditions | 26/07/2022 |
| WQ-D2 | Comply with Permit Conditions | 26/07/2022 |

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

During a routine compliance assessment check we have carried out on 26th April 2022 it was noted that the EDM returns for EPR permit CM0164401 Connah's Quay Linden Avenue were missing from the 2020 EDM Annual Return.

The permit variation to add EDM conditions became effective on 26/2/2020 so, in accordance with permit condition 4.2.2, the annual EDM returns for this site should have been submitted in the 2020 return by the end of February 2021. Therefore a non-compliance occurred on 1 March 2021. We have used this non-compliance date at the top of the form to enable accurate annual reporting.

It is understood that the EDM monitor has not been installed yet due to access difficulties due to the COVID situation

This is also a breach of the monitoring permit conditions 3.1.1, 3.1.2, 3.1.3 and 3.1.4.

Please take action comply with these permit conditions.

It is an offence under Regulation 38 (2) of the Environmental Permitting Regulations 2016 for a person to fail to comply with or to contravene an environmental permit condition.

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.