

Compliance Assessment Report CAR_NRW0039778

Permit being assessed: CG0372901

For: BRYN COWLYD WTW PONT DOLGARROG DOLG, held by DWR CYMRU CYFYNGEDIG

At: BRYN COWLYD WTW, PONT DOLGARROG, DOLGARROG, CONWY, .

Type of assessment carried out: Check Monitoring/Sampling, Reason: Routine.
On 31/12/2021.

Parts of permit assessed: OSM10 and OSM13

NRW Lead Officer: Euryrn Roberts.

Report sent to: CARS mailbox, CARS mailbox, on 28/04/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-D3 - Information - Notifications	C3 Minor	OSM 10: When the Consent Holder becomes aware that a sample result has exceeded a numeric water quality limit specified within this Consent, (including those covered by the Look-up Table) the Consent Holder shall, unless prior agreement has been given in writing by the Agency, notify the Agency as soon as is reasonably practicable by a reporting system and format specified by the Agency.
WQ-D2 - Information - Reporting	C4 No impact	OSM 13: A summary report : (a) of compliance with the monitoring programme referred to in condition OSM1 shall be made for each calendar year, and (b) shall be submitted to

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		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.

Result types are explained in more detail in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
WQ-D3	Amend monitoring and reporting procedures.	10/06/2022
WQ-D2	Amend monitoring and reporting procedures.	10/06/2022

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.

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

Two different non-compliances:

1. OSM10 - Late notification. Notification of Total Chlorine Max Failure to OSM mailbox was 31 days after the sample was taken (sample date 10/12/2021, notification date 10/01/2022) NRW consider this to not be "as soon as is reasonably practicable". *Date of non-compliance given as 31/12/2021 as sample date in 2021 calendar year.
2. OSM13 - Annual Summary Report. Incorrect information recorded on ASR. The permit requires 12 months of monitoring at the "normal" frequency following a failure or tightening of permit limits. The ASR records that following the failure on the 10/12/2021, the frequency was increased on the 21/01/2022. The end date is incorrectly recorded as 30/11/2022 - this would mean there are only 11 months of the higher frequency monitoring.

The non-compliances listed above were identified during our annual 2021 data audit. This audit assessed Dŵr Cymru Welsh Water's compliance at all their sewage treatment works and water treatment works with Operator Self Monitoring (OSM) conditions, UV conditions (only applicable at some sewage treatment works) and Urban Waste Water conditions (only applicable at some sewage treatment works).

Please note: this CAR is dated 31/12/2021 as these non-compliances relate to annual 2021 data, however for clarity I carried out the compliance assessment on 23/4/2022.

Our enforcement response is subject to further investigation.

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.