

Compliance Assessment Report CAR_NRW0040603

Permit being assessed: WQD009968

For: PEN Y MAES PUMPING STATION, held by DWR CYMRU CYFYNGEDIG

At: PEN Y MAES PUMPING STATION, OFF NANT Y COED, PEN Y MAES, HOLYWELL, CH8 7DU.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number: 2206655).

On 06/09/2022, between 12:30 and 13:00.

Parts of permit assessed: nature of discharge

NRW Lead Officer: Angela Roberts.

Report sent to: CARS Mailbox, CARS Mailbox, on 26/10/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-B1 - Operations - Permitted activities	C3 Minor	2 The discharge shall only occur when the sewage pumping station is inoperative as a result of one or more of the following (i) electrical power failure not due to the act or default of the consent holder, its agents, representatives, officers, employees or servants; (ii) mechanical breakdown of duty and standby pumps; (iii) rising main failure; (iv) blockage of the downstream sewer not due to the act or default of the consent holder, its agents, representatives, officers, employees or servants; and it is not reasonably practicable to dispose of the sewage otherwise. There shall be no undue delay on the part of the

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		consent holder in remediating any such failure or breakdown

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

2. What action is required?

Criteria	Action needed	Complete by
WQ-B1	Comply with permit	23/11/2022

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

NRW officers Sarah Walton and Simon Griffiths attended the incident on the 6th September 2022 and met with DCWW representatives on site.

A formal sample was taken from the watercourse d/s from the Pen y Maes SPS, as well as a further d/s sample.

It is to be noted that there are 2 pipes that enter the watercourse at the same point. A blue pipe where the culvert becomes open and is private and this line has some misconnections that feed into it. The smaller to the right is the 225mm emergency overflow from Pen y Maes SPS. Therefore, the formal sample taken is likely to be affected by both pipes.

DCWW have investigated and have reported that trends indicate that the spill started at 06:45 4th September and stopped at 12:00 6th September. The catchment is mainly foul and historic surveys indicate a base flow during the day of around 2 l/s and it's expected that this flow would drop off during the night.

The spillage occurred due to issues with the pumps that were caused by an airlock.

Response from DCWW - the complication with this type of failure is the pump will continue to run and not generate an alarm we have tried to overcome this issue at the site by installing a secondary alarm which picks up the wet well, being high level for a period of time but the pump is running. Unfortunately, this alarm was delayed due to the wet weather inhibit filter being applied to all CSO's in this area it was only when this filter was removed was the alarm passed out. For info, this wet weather filter is to prevent op's crews being inundated with genuine spill alarms from CSO's during wet weather. To help prevent future issues at this site we have removed the site from the wet weather filter list so all alarms will be passed out no matter what the weather.

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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.