

Compliance Assessment Report CAR_NRW0040838

Permit being assessed: CM0044001

For: CSO and EO at Westbourne Avenue Pumping Station, held by DWR CYMRU CYFYNGEDIG

At: Westbourne Avenue, Rhyl, Denbighshire, LL18 1EE.

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

On 20/12/2022.

Parts of permit assessed: Storm operation

NRW Lead Officer: Tom Lewis.

Report sent to: tom.lewis@cyfoethnaturiolcymru.gov.uk, draft, on 22/12/2022.

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	Assessed (A)	

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

2. What action is required?

No action required.

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.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

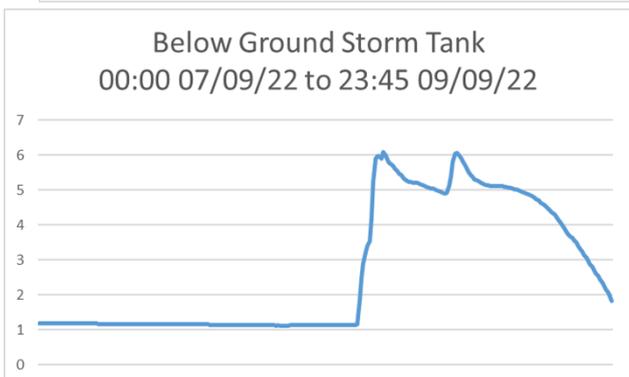
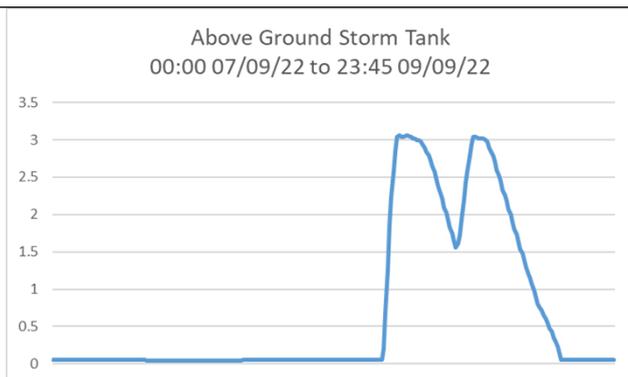
4. Details of our assessment

Audit carried out following high bacteria result at Marine Lake EC Bathing Water on the 9/12/22.

Flow and level data requested on 23/9/22 and 1/12/22.

Data received on 18/10/22 and 19/12/22.

Storm Tank levels are graphed below:

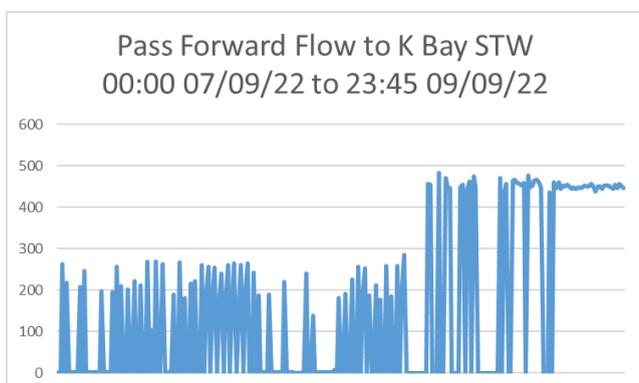


The above graphs demonstrate that the storm tanks were empty prior to the arrival of storm conditions and the required storage was therefore available as required by the permit.

The Storm Tanks were filling between 16:00 to 20:00 on 8/9/22 and 03:00 to 05:45 on 9/9/22

Discharges of Settled Storm Sewage to the Clwyd Estuary occurred around 21:00 on 8/9/22 and 06:30 on 9/9/22. The total spill time was around six hours. The rate of discharge is not recorded, but the flow into the Above Ground Storm Tank can be estimated at 1000 l/s and it is a fair assumption to make that the discharge would have been around this flow rate.

Pass Forward Flow (PFF) for the period is graphed below :



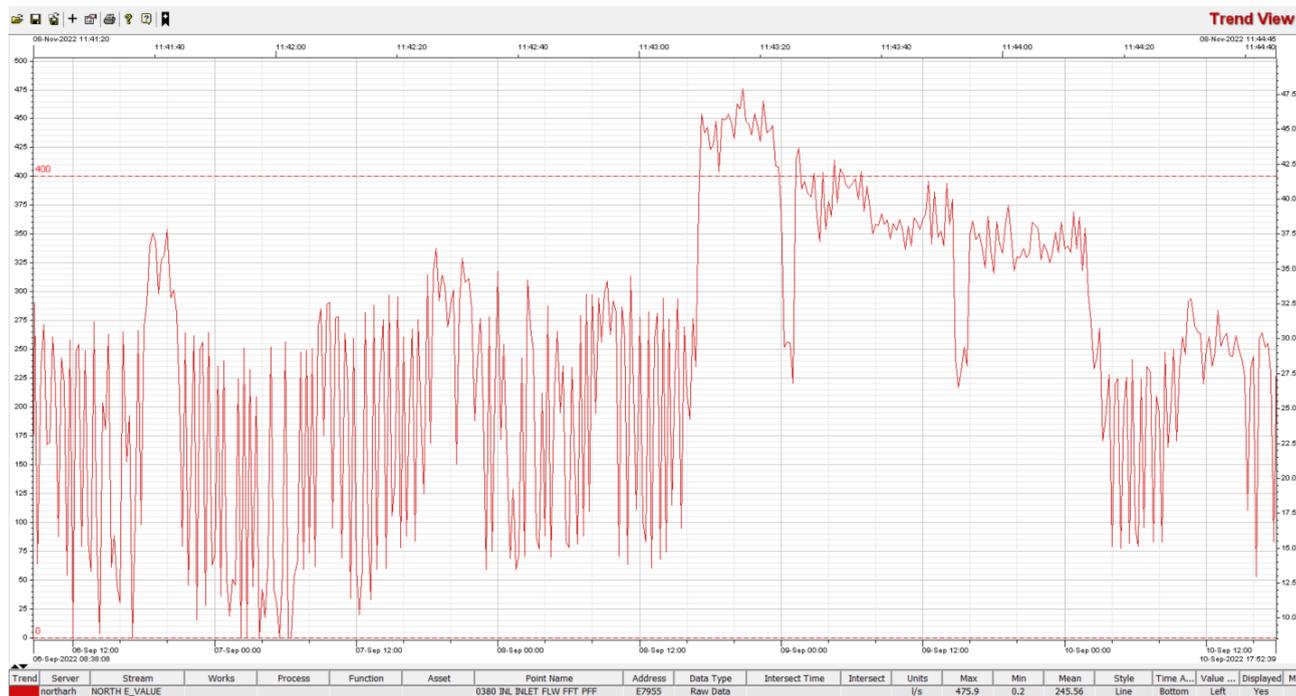
The graph shows that the PFF reaches the required 450 l/s level when the Storm Tanks are filling but this is not a continuous flow and shows periods where no PFF is achieved.

DCWW in response detailed that the flow meter was displaying an error and that both PFF

pumps had been operational for the period 17:00 on 8/9/22 to 02:00 on 10/9/22. This is demonstrated by Pump Run times and is graphed below:



Also, the flows received by Kinmel Bay STW are a combination of PFF from Westbourne Avenue, Pensarn and Coventry Camp. Flows received will then receive full treatment or divert to the Storm Tanks. Data for these incoming flows are shown below:



The above data is Flow to Full Treatment at Kinmel Bay STW. In summary:

- For the period 16:00 to 00:00 FFT was around 450 l/s.
- For the period 02:00 to 07:00 FFT was around 400 l/s.

Storm Tank Level data for Kinmel Bay STW shows the tank filled from 16:15 on 8/9/22, reached capacity at 20:45 and EDM data details a continuous spill until at least 23:45 on

9/9/22. The rate of filling of the Storm Tank to capacity suggests that flow to the Storm Tank was $(2,520,000/16,200)$ 155 l/s.

This would suggest that incoming flows to Kinmel Bay STW were around :

For the period 16:00 to 00:00 : 450 (FFT) + 155 (Storm flow) = 605 l/s

For the period 02:00 to 07:00 : 400 (FFT) + 155 (Storm flow*) = 565 l/s

* once the Storm Tank filled to capacity, the actual flow to Storm is assumed to remain constant but this could have been significantly different.

PFF from Pensarn and Coventry Camp combined would be up to 170 l/s. This therefore indicates that flow being received from Westbourne Avenue SPS was close to 450 l/s and **therefore compliant with permit CM0044001** .

It is recommended that DCWW carry out an investigation into why the FFT at Kinmel Bay STW was below 450 l/s for the period 00:00 8/9/22 to 23:45 9/9/22 when flows were being diverted to the Storm Tank.

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.