

Compliance Assessment Report CAR_NRW0039436

Permit being assessed: CM0153801

For: CSO at Pensarn Pumping Station, held by DWR CYMRU CYFYNGEDIG

At: Opposite No. 36 Towyn Road, Pensarn, Abergele, Conwy, LL22 7PS.

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

On 04/05/2023.

Parts of permit assessed: Whole permit

NRW Lead Officer: Nathan Owen, accompanied by: Tom Lewis, Eurnyn Roberts.

Report sent to: CARS mailbox, CARS mailbox, on 04/05/2023.

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	C1 Major	Condition 4 "No discharge shall occur unless the rate of flow passing forward in the sewer is at least 115 litres per second and the storage tank of capacity 3190 cubic metres is full. The storage tank shall be emptied and the contents passed forward for treatment as soon as practicable after cessation of the overflow from the pumping station."

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	Provide details on why the permit has not been complied with.	31/05/2023

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

A data audit of the Pensarn SPS has been carried out by NRW. A permit breach of condition 4 has occurred where the pass forward flow (PFF) has been less than 115 litres per (L/s) second whilst storm discharges have taken place.

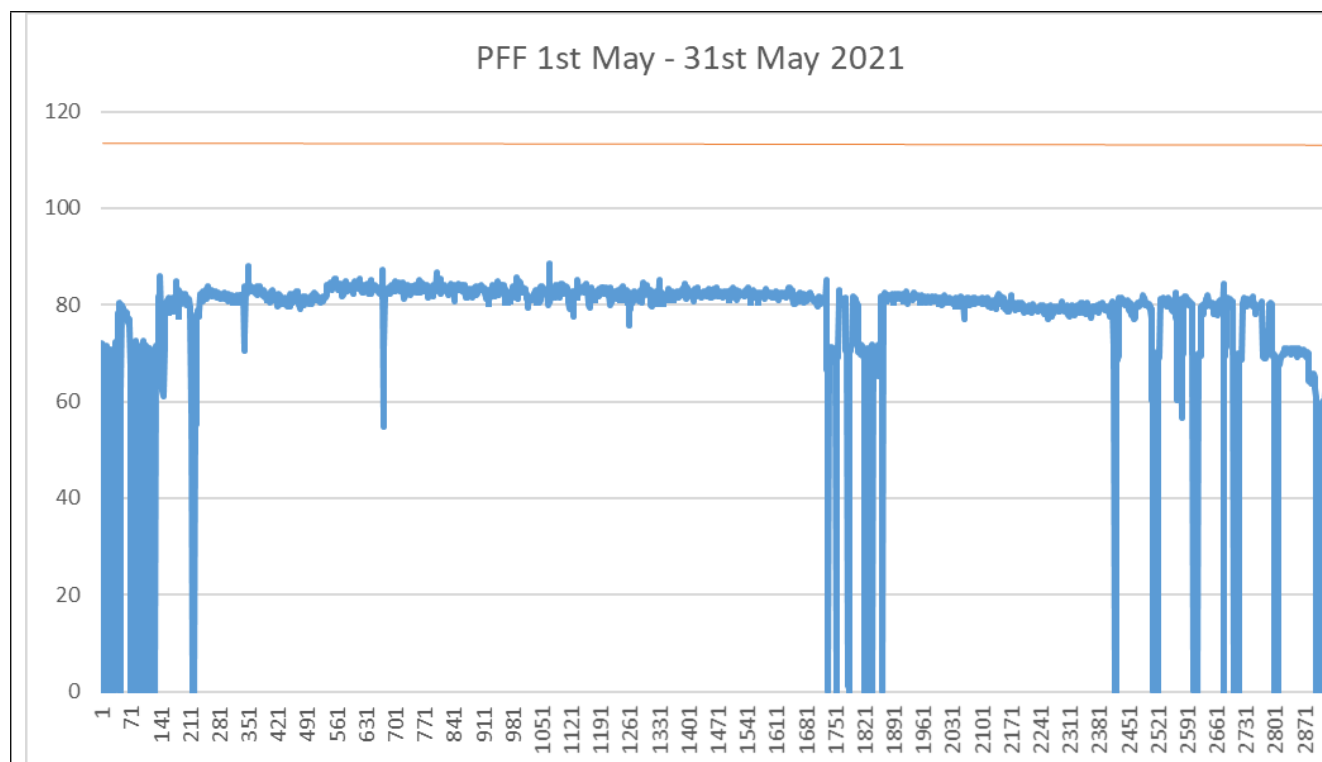
EDM data has been provided and illustrated in the below table. Column 4 of the below table illustrates the Readings over limit, i.e. Spilling without passing forward flow at permitted level.

2	03/05/2021 13:45:00	04/05/2021 01:45:00	30	307	0	Initial 12 Hour Block
3	04/05/2021 01:45:00	05/05/2021 01:45:00	10	187	0	Subsequent 24 Hour Block
4	06/05/2021 03:45:00	06/05/2021 15:45:00	8	227	0	Initial 12 Hour Block
5	08/05/2021 07:45:00	08/05/2021 19:45:00	21	300	0	Initial 12 Hour Block
6	08/05/2021 19:45:00	09/05/2021 19:45:00	3	147	0	Subsequent 24 Hour Block
7	14/05/2021 19:15:00	15/05/2021 07:15:00	28	273	0	Initial 12 Hour Block
8	15/05/2021 07:15:00	16/05/2021 07:15:00	42	260	0	Subsequent 24 Hour Block
9	16/05/2021 07:15:00	17/05/2021 07:15:00	22	273	0	Subsequent 24 Hour Block
10	17/05/2021 07:15:00	18/05/2021 07:15:00	7	233	0	Subsequent 24 Hour Block
11	20/05/2021 14:15:00	21/05/2021 02:15:00	42	260	0	Initial 12 Hour Block
12	21/05/2021 02:15:00	22/05/2021 02:15:00	81	280	0	Subsequent 24 Hour Block
13	22/05/2021 02:15:00	23/05/2021 02:15:00	43	273	0	Subsequent 24 Hour Block
14	23/05/2021 02:15:00	24/05/2021 02:15:00	36	273	0	Subsequent 24 Hour Block
15	24/05/2021 02:15:00	25/05/2021 02:15:00	10	193	0	Subsequent 24 Hour Block
16	25/05/2021 02:15:00	26/05/2021 02:15:00	2	120	0	Subsequent 24 Hour Block

In summary during the month of May 2021, there was a total of 385 readings over limit, this equates to $385 \times 15 \text{ min} \times 60 \text{ s} = 346500$ seconds of discharge from the asset.

The permit for the site states that the SPS should be passing forward a minimum of 115l/s when discharging from storm. As illustrated in the graph below the SPS does not pass forward any flow above 90l/s for the entire month of May.

The PFF has been graphed below.



As depicted in the above graph the permit states that the asset should have a PFF of 115l/s. As shown, the asset for month of May does not pass flow above/or at 115l/s when discharging from storm, which is a breach of permit Condition 4. The red line in the above graph is the 115l/s mark for PFF as required by the permit.

PFF in the month of May 2021 never gets above 90l/s as such our calculations are based on 90l/s for PFF, this is at least 25l/s which was not being passed forward.

$346500 \times 25 \text{ l/s} = 8,662,500$ litres of settled sewage which has been discharged which should have been passed forward to full treatment.

This pump station is required by permit to comply with Condition 4 of passing at least 115l/s of PFF.

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.