

## Compliance Assessment Report CAR\_NRW0042733

**Permit being assessed:** CM0044201

For: Rhosesmor Wastewater Treatment Works, held by DWR CYMRU CYFYNGEDIG

At: Track off Wern Road, Rhosesmor, Mold, Flintshire, CH7 6PY.

**Type of assessment carried out:** Check Monitoring/Sampling, Reason: Routine.  
On 20/10/2023.

Parts of permit assessed: monitoring data

**NRW Lead Officer:** Angela Roberts.

**Report sent to:** Michaela Thompson, North East Catchment Manager, on 23/01/2024.

### 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 | 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

Date of assessment 1/11/2023

Suspended solids result on the 20th October 2023 was 40mg/l (the permit limit is 30mg/l LUT). This is an exceedance of the look up table, but not a failure. This is the 1st exceedance for suspended solids within the last 12 months.

OPNOT was received on the 19th October detailing high flows at the works due to the heavy rain.

Update

On 30th November 2023 DCWW requested that the exceedance notification above was withdrawn. This was due to the laboratory cancelling the result on the 30th October 2023 due to a breach in the stability of the sample. It is to be noted that it took DCWW a month to notify NRW of this, this should have been picked up and reported to NRW sooner.

Information received from DCWW on 28/12/23 -

Sampling Date: 20/10/23 @12:31. Received Date: 22/10/23 (analysis commenced 22/10/23)

On Friday 20<sup>th</sup> October adverse weather conditions prevented the Courier from travelling from South Wales to our Laboratory in Bretton, North Wales and hence, samples taken on the 20<sup>th</sup> October were not collected that day, and subsequently not delivered to the sub-contract laboratory on the morning of the 21<sup>st</sup> October.

On Saturday 21<sup>st</sup> October (afternoon), the Courier did reach Bretton to collect the day's routine samples. The samples taken on the 20th remained in the holding store in North Wales, however where the sample in question was collected with the samples taken on the Saturday and delivered to the sub-contract laboratory on Sunday 22<sup>nd</sup> October, where the samples were registered and analysis commenced.

The sub-contract lab analysed the sample accepted and reported the result, but it was only when the sample appeared on their exception report as a stability breach, that it was noticed that it had been sampled on the 20th October and not the 21st as the other samples were in that batch.

Cancellation confirmed: 27/10/23 by the sub-con lab who issued the following comment:

*'The samples were taken on 20/10/23 however were not received until 22/10/2023 and I believe might be related to the flooding issues. The remaining results were all analysed within stability'.*

NRW has accepted the request to withdraw the notification of this exceedance due to the results not being usable for compliance assessment.

Please update us on the findings of the internal lab investigations on the mis-reporting of these results as soon as available.

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](mailto: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](mailto: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.