

Compliance Assessment Report CAR_NRW0042237

Permit being assessed: CG0341301
For: CRICCIETH EAST PS, held by DWR CYMRU CYFYNGEDIG
At: 1 Maes Y Mor, Criccieth, Gwynedd, LL52 0HU.

Type of assessment carried out: Audit, Reason: Routine.
On 02/08/2023.

Parts of permit assessed: flow and EDM

NRW Lead Officer: Cathrine Kiely.

Report sent to: CARS@dwrwymru.com, CARS mailbox, on 07/12/2023.

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	C2 Significant	3.1.4
WQ-C1 - Emissions and monitoring - Emissions to water	C2 Significant	2.3.1 b

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	DCWW must ensure that the EDM monitor is fully operational	Already completed
WQ-C1	DCWW must ensure that FPF of 53l/s as specified by the permit is met before utilising the storm facility	Already completed

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

Natural Resources Wales requested Flow, spill and storm tank level data for the period 1/5/2022 – 1/6/2023.

When the data was received, Storm Tank level data was not available until 14/3/23 with the

reason given as “comms failure issue”.

However storm tank level remains at 12.5% for the majority of the 3 month period apart from the spill block on the 20/3/23. There is no storm tank data available after 21/3/23 until 24/05/23 where it returns to around 12.5% again.

Permit conditions breached:

Monitoring

3.1.4 The Operator shall take appropriate measures to ensure that the event recorder remains fully operational at all times within the reference period specified in table S3.1. Any failures shall be remedied as soon as reasonably practicable.

Due to the EDM monitor experiencing failures for a period of 13 months except for 2 weeks Natural Resources Wales have scored the breach as a **CCS 2**.

Action

DCWW must ensure that the EDM monitor is fully operational.

Please provide detail as to the cause of the EDM failure and outline plans for remediation to ensure the conditions of the permit can be fully met by 19/9/2023.

From the data provided, we were able to compare FPF and EDM spill data for 20/3/2023.

	Tank capacity	Flow Passed Forward	Permit limit	Difference in actual and permitted FPF	litres per occurrence
20/03/2023 00:45:00	104.697	47.48	53	5.52	4968
20/03/2023 01:00:00	107.8788	47.28	53	5.72	5148
20/03/2023 01:15:00	107.6894	47.35	53	5.65	5085
20/03/2023 01:30:00	107.0076	47.45	53	5.55	4995
20/03/2023 01:45:00	105.1136	47.28	53	5.72	5148
20/03/2023 02:00:00	101.5909	47.58	53	5.42	4878
20/03/2023 02:15:00	101.8561	47.5	53	5.5	4950
20/03/2023 02:30:00	100.947	47.5	53	5.5	4950
20/03/2023 05:15:00	101.2121	48.05	53	4.95	4455
20/03/2023 05:30:00	103.2576	47.85	53	5.15	4635
20/03/2023 05:45:00	103.6364	48	53	5	4500
20/03/2023 06:00:00	102.8409	48	53	5	4500
20/03/2023 06:15:00	101.1742	47.95	53	5.05	4545

The above table shows storm tank capacity for the 15 minute spill blocks on the 20/3/23 compared with the Flow Passed Forward for that period.

Example:

At 00:45 the Flow Passed Forward was 5.52 l/s below the permitted volume of 53 l/s.

$5.52 \times 60\text{sec} \times 15 \text{ min} = 4968 \text{ litres.}$

The total spill volume in breach of permit on 20/3/23 is 62,757 litres.

Action:

The following permit condition has been breached and scored as a **CCS 2**.

2.3.1 b) Storm storage must be fully utilised before a discharge occurs. It shall only fill when the flow passed forward is equal to or greater than the overflow setting indicated due to rainfall and/or snow melt and shall be emptied and its contents returned to the continuation flow as soon as reasonably practicable. The minimum off-line storm storage required is specified in table S3.3.

DCWW must ensure that FPF of 53l/s as specified by the permit is met before utilising the storm facility.

Does DCWW have any comment to make on the above calculation? What is the reason for FPF being below the permitted volume before storm facility was utilised and subsequent spill in breach of consent? DCWW should also provide comment as to why the storm tank level never empties and stays at 12.5%. Comments should be received by 19/9/23.

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.