

## Compliance Assessment Report CAR\_NRW0041612

**Permit being assessed:** CG0141301

For: CSO and EO at Llanddulas Pumping Station, held by DWR CYMRU CYFYNGEDIG  
At: Opp 'The Nook', Beach Road, Llanddulas, Abergel, LL22 8HB.

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

On 28/03/2023.

Parts of permit assessed: flow and storm

**NRW Lead Officer:** Cathrine Kiely.

**Report sent to:** CARS@dwrcymru.com, CARS mailbox, on 14/05/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-B1 - Water Quality - Operations - Permitted activities	C2 Significant	condition 6: The Discharge shall occur when and only for as long as the storm sewage storage facilities are fully utilised and the rate of flow at the pumping station in excess of 21.4l/s due to rainfall and/or snowmelt

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 conditions of permit	01/05/2023

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.**

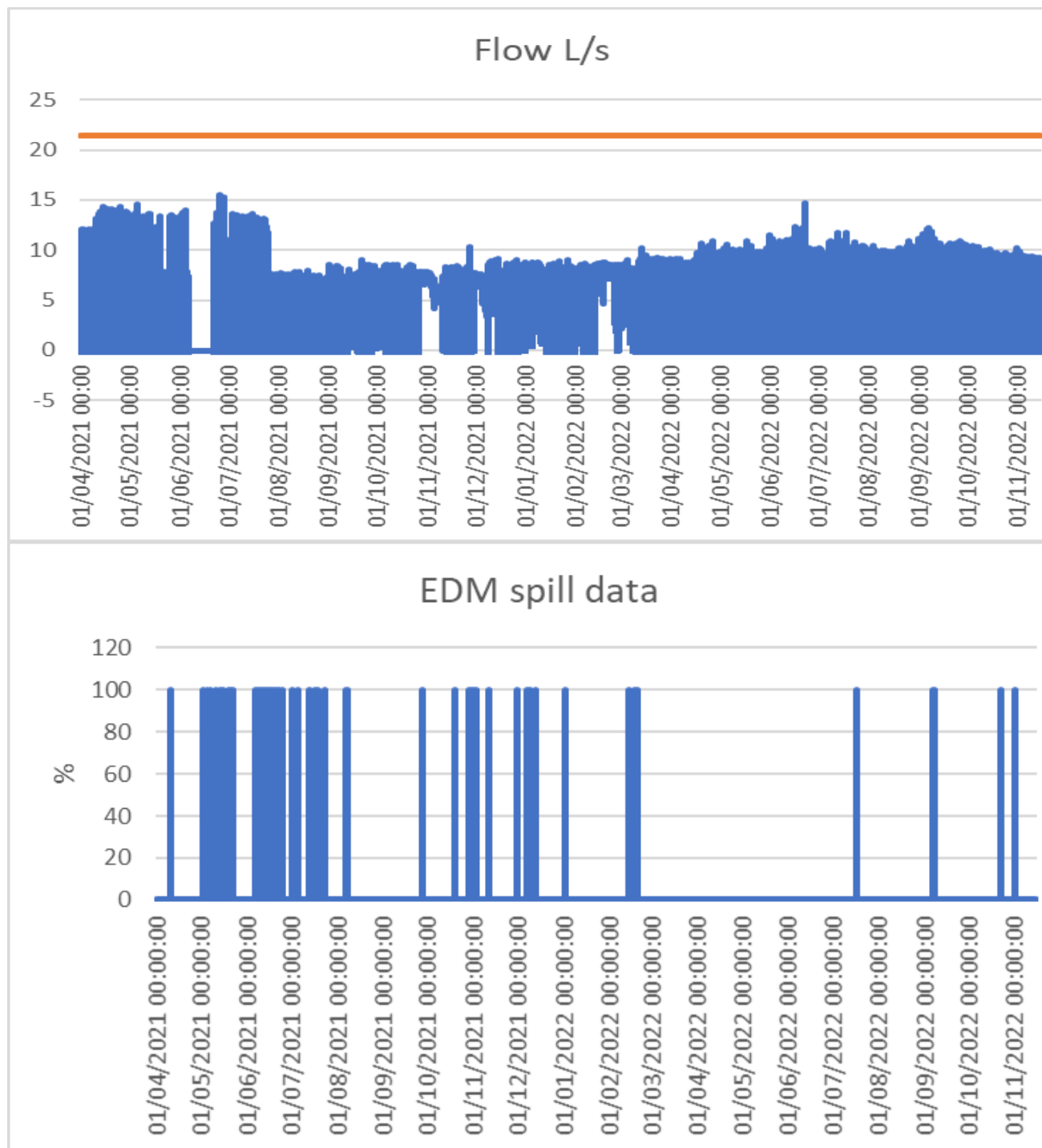
### 4. Details of our assessment

The site was not visited in person but an audit was carried out following the request of

data.

Flow, spill and storm tank level data for the period April 2021- November 2022 was requested on 16/11/22 and was received on 6/12/22.

Pass Forward Flow (PFF) for the Pumping station is 21.4l/s and should be achieved before the storm facility is utilised.



The above top graph shows the PFF achieved during the period 1/04/21 - 1/11/22 (blue line) and the permitted PFF 21.4 l/s is marked as the red line.

There were 65 spills in the period 01/04/2021 – 01/11/2022. All of these spills occurred when PFF was not reached.

Example : On the 01/12/2021 the maximum PFF on this day was 7.7 l/s

This is 13.7 l/s below PFF.

$$13.7 \times 60 = 822 \text{ l/min}$$

$$13.7 \times 60 \times 60 = 49,320 \text{ l/hour}$$

As the spill was occurring for 2 hrs at least **98,640 litres** was spilled in breach of permit on the 1/12/2021.

Apart from one reading on the 23/6/22 at 08:15, between 25/7/21 and 16/11/22 less than 12.5 l/s was pumped forward when the Storm Overflow spilled for (154 readings over limit x 15 mins / 60) 38.5 hours

Therefore, the volume spilled that should have been pumped forward between 25/7/21 and 16/11/22 =  $38.5 \times 60\text{min} \times 60\text{sec} \times (21.4 - 12.5) = \mathbf{1,233,440 \text{ litres}}$

On the 9th September 2022 a bathing water bacterial exceedance was recorded at Abergele Bathing Water at 12:25. This is during the Bathing water season. Between the 7th and 9th of September 2022 when PFF <13 l/s there were 2 spills both at 15min intervals. Therefore:

$$2\text{spills} \times 15\text{min} \times 60\text{sec} \times (21.4 \text{ consented PFF} - 13 \text{ actual PFF}) = \mathbf{15120 \text{ litres/s.}}$$

This means that in the same timeframe as there was a high bacterial count recorded at Abergele bathing water, Llanddulas PS was spilling 15120 litres in breach of their permit.

DCWW must ensure that they Pass forward a flow of at least 21.4 l/s before utilising the storm facility. Natural Resources Wales would like to know if DCWW have any comments to make on the findings of the data audit which has been presented. **Please respond to this CAR form by 1/5/23.**

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](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.