

Compliance Assessment Report CAR_NRW0045419

Permit being assessed: CG0413701

For: Fairbourne WwTW Storm Tanks, held by DWR CYMRU CYFYNGEDIG

At: Fairbourne, Gwynedd, Wales, United Kingdom, LL39 1AZ.

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

On 09/08/2023 - 08/08/2024.

Parts of permit assessed: 2.3.1

NRW Lead Officer: James Raymond.

Report sent to: CARS mailbox, Regulatory compliance Officer , on 17/02/2025.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	C2 Significant	2.3.1 (a)

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

2. What action is required?

Criteria	Action needed	Complete by
WQ-C1	Please ensure that permitted flow of at least 10.87 litres/sec is treated at all times when flow is directed to the Storm Tank.	17/03/2025

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 is permitted (CG0413701) to discharge to storm tanks and off-site to the coastal waters in Barmouth bay when the flow to full treatment (FPF) exceeds 10.87 litres per second. Flow data supplied is Flow Passed Forward and assumed to be collected from a meter after the weir that feeds the storm tank. This assessment has a focus on the dataset for 2023 only (09/08/2023 00:00 to 08/08/2024 23:59).

Permit condition 2.3.1 (a): *The discharge shall only occur when and only for as long as either:*
(i) *the flow passed forward is equal to or greater than the overflow setting indicated due to*

rainfall and/or snow melt.

Using the data provided, a maximum volume spilled to the storm tank while flow was below the permitted rate was calculated by omitting all flow measurements above the permitted rate (10.87 l/s), which would have been compliant. Flow is given in minute intervals, as litres per second. By multiplying each data point by 60, we can see the litres spilled per minute.

By filtering the data to only show the values while EDM is also at 100, we can calculate the maximum volume of water discharged off site (flow during EDM 100). The sum of these newly filtered data points showing EDM discharging off site while below the permitted rate was up to 74,787,142 litres.

We can also compare timestamps for the spill events. A year is made of 525,600 minutes ($60 * 24 * 365$), and there are 213389 timestamps (each one minute) where the STW is discharging off-site while PFF is below the permitted rate (10.87 l/s). This indicates that for 41% of the year (about 2/5 of the year), the works is discharging off-site while failing to meet PFF.

Flows below 90% permitted rate

By repeating the calculations for 2.3.1 (a) but changing the filter for the flow/s to values below 90% of the permitted rate (9.783 l/s), we can see that up to 74,631,649 litres was discharged out of the storm tank in breach of permit during 2023/2024. This equates to 99.79% of the total volume discharged off site in breach of permit for the year.

Looking at the spill blocks we identified that 1 single spill event between the 14/02/2024 and 24/04/24 ran for 71 days and in this time spilled up to 41,430,539 liters in breach of permit.

Please ensure that permitted flow of at least 10.87 litres/sec is treated at all times when flow is directed 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.