

## Compliance Assessment Report CAR\_NRW0045524

**Permit being assessed:** CM0044001

For: CSO and EO at Westbourne Avenue Pumping Station, held by DWR CYMRU CYFYNGEDIG

At: Westbourne Avenue, Rhyl, Denbighshire, LL18 1EE.

**Type of assessment carried out:** Check Monitoring/Sampling, Reason: Routine.

On 01/10/2024.

Parts of permit assessed: EDM and PFF

**NRW Lead Officer:** Amy Chisnell.

**Report sent to:** CARS mailbox, CARS mailbox, on 06/03/2025.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-D3 - Water Quality - Information - Notifications	Assessed (A)	
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	C3 Minor	2.3.2 (a) The discharge shall only occur when and only for as long as: (i) the flow passed forward is equal to or greater than the overflow setting indicated due to rainfall and/or snow melt and (b) Off-line 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.

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	Ensure PFF is achieved before utilising storm tanks and therefore any discharges to environment. Please provide an action plan by the end of June 2025.	31/07/2025

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.

### **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

In 2023 Dwr Cymru (DCWW) notified NRW of an issue with the flow passed forward to treatment at Kinmel Bay Waste Water Treatment Works (WWTW) from Rhyl Marine Lake Storm Pumping Station (SPS). DCWW and Natural Resources Wales (NRW) have regularly met since then to discuss the progress of their investigation. A compliant score has been recorded above for the notification (WQ-D3) Notifications - condition 4.3

This CAR Form summaries DCWW investigations so far and follows on from CAR\_NRW0044515. This CAR form is an assessment for 2024 performance.

DCWW believe the flowmeter at the SPS is unreliable and from investigations on the pumps believe there is a flow discrepancy. It is likely that this has caused Rhyl Marine Lake SPS to spill prematurely via the CSO (Combined Storm Overflow) and EO (Emergency Overflow) at Westbourne Avenue Pumping Station - i.e. before the permitted FPF is being met. Any spills occurring before the FPF is met are considered non-compliant.

Following on from this, DCWW provided an engineer's report that was carried out on the asset. The foul pumps were replaced and a report was provided to NRW, which suggested that the issue was caused by restrictions in the network, likely due to the air release valves requiring maintenance and/or replacement.

Following on from the air valve service/replacement survey, the data showed no improvement of the flow being recorded at the inlet at Kinmel Bay works.

DCWW then looked into the flow recorder at the pumping station as the flow meter only intermittently works, mostly during high flow events and when it does it records the correct FPF (Flow Passed Forward). From this, it was found that the flow meter at the inlet at Kinmel Bay works, was reading 20% below the actual flow. This was confirmed by using a MCERT calibrated flow meter.

FPF and event duration monitoring (EDM) data was requested by NRW for the period of 1st January 2024 to 1st October 2024. Despite allowing for a 20% discrepancy the target

PFF was still not achieved before storm tanks started to fill and therefore FPF was not achieved when spills to the environment occurred. Average flow was also checked for the two largest block spills, FPF was below 450 l/s (permit FPF) but above 405 l/s (10% below permit FPF) and therefore, (WQ-C1) Emissions to water, conditions 2.3.2 (a) and (b) have been scored C3 - A non-compliance which could have a minor environmental effect.

**Action: Ensure FPF is achieved before utilising storm tanks and therefore any discharges to environment. Please provide NRW with an action plan by the end of June 2025.**

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.