

## Compliance Assessment Report CAR\_NRW0045477

**Permit being assessed:** CG0030701

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

At: Track North Of Eglwysbach Road, Eglwysbach, Conwy, LL28 5TY.

**Type of assessment carried out:** Report/Data Review, Reason: Routine.

On 01/08/2024.

Parts of permit assessed: 2.3.2

**NRW Lead Officer:** Gareth Siney.

**Report sent to:** cars@dwrwymru.com, CARS Mailbox, on 03/07/2025.

### 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 | C3 Minor          | 2.3.1 (b)        |
| 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    | Ensure FFT is within permitted values going forward. | 22/11/2024  |
| WQ-C1    | Ensure FFT is within permitted values going forward. | 22/11/2024  |

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.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

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

**UPDATE 03/07/2025: NRW HAS CONCLUDED THAT A WARNING LETTER IS THE**

**MOST APPROPRIATE RESPONSE. THE WARNING LETTER IS INCLUDED IN THIS CAR FORM.**

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**Report:**

The site is permitted (CG0030701) to discharge to storm tanks and off-site to the Afon Hiraethlyn when the flow exceeds 9.7 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. As the site has EDMS data, two clauses of the permit can be assessed.

This assessment has a focus on the dataset for 2023 only (01/01/2023 – 31/12/2023).

To begin with, permit condition 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.*

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 (9.7 l/s), which would have been compliant. Then, by omitting data points when EDMS was not “firing” at 100, the remaining flow points are only those measured while both water is being directed into the storm tank AND the flow rate is below the permitted rate for a discharge. 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. The sum of these data points showing EDMS directing water to the storm tank in breach of the permit for 2023 was up to 9,525,564

litres.

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 steps taken above, we add one additional step to the process. By filtering the data once step further 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), while the system is simultaneously spilling into the full storm tank (EDMS 100). The sum of these newly filtered data points showing EDM discharging off site while EDMS is directing water to the storm tank below the permitted rate was up to 9,040,106 litres.

We can also compare timestamps for the spill events. A year is made of 525,600 minutes ( $60 * 24 * 365$ ), and there are 87,476 timestamps (each one minute) where the STW is discharging off-site while PFF is below the permitted rate (9.7 l/s). This indicates that for 16.64% of the year (about 1/6 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 (8.73 l/s), we can see that up to 8,105,323 litres was discharged out of the storm tank in breach of permit during 2023. This equates to 89.79% of the total volume discharged off site in breach of permit for the year.

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.