

Compliance Assessment Report CAR_NRW0037793

Permit being assessed: CM0017601

For: RUTHIN STW (FINAL), held by DWR CYMRU CYFYNGEDIG

At: RUTHIN STW (FINAL), RUTHIN, ,, .

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

On 16/11/2019 - 16/11/2020.

Parts of permit assessed: Storm and CSO

NRW Lead Officer: Tom Lewis.

Report sent to: osm@dwrcymru.com, osm@dwrcymru.com, on 04/05/2021.

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	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	Ensure all Storm Tanks empty as soon as reasonably practicable	21/04/2021

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

Site not visited in person but audit undertaken following data request.

Data received in full on 30/3/21

Audit conducted following concern from third party regarding a storm discharge in dry weather on 4th October 2020.

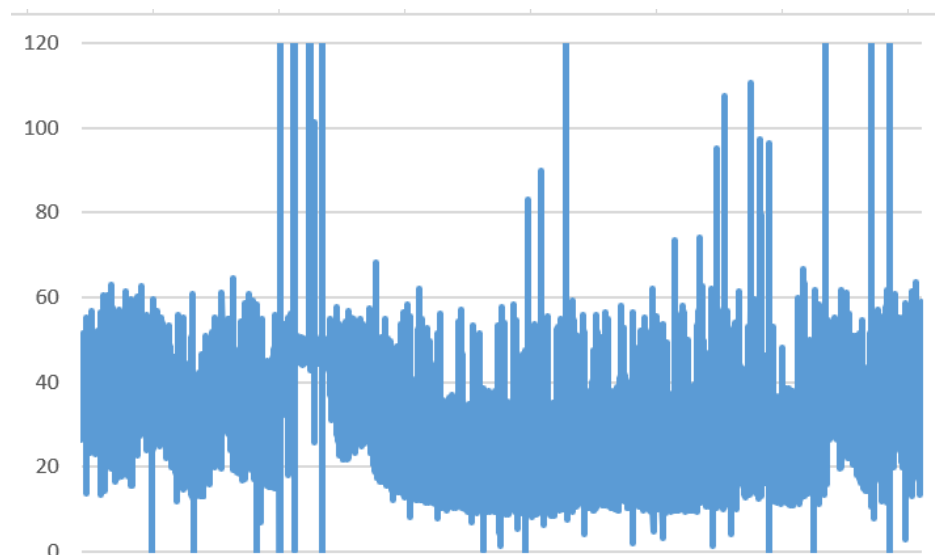
The sewage works is permitted to operate at full treatment for flows up to 48.7 l/s.

For flows above this, up to 114.3 l/s, this flow should enter the Storm Tanks of capacity 472

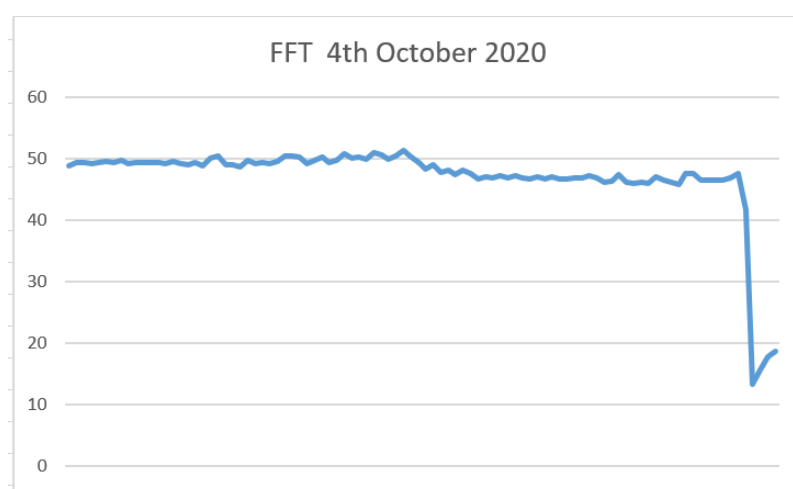
M3.

For flows above 114.3 l/s, this flow can pass through a 10 mm screen and discharge to the River Clwyd.

A graph of 12 months of MCERTS Flow to Full Treatment shows that 48.7 l/s is regularly achieved :

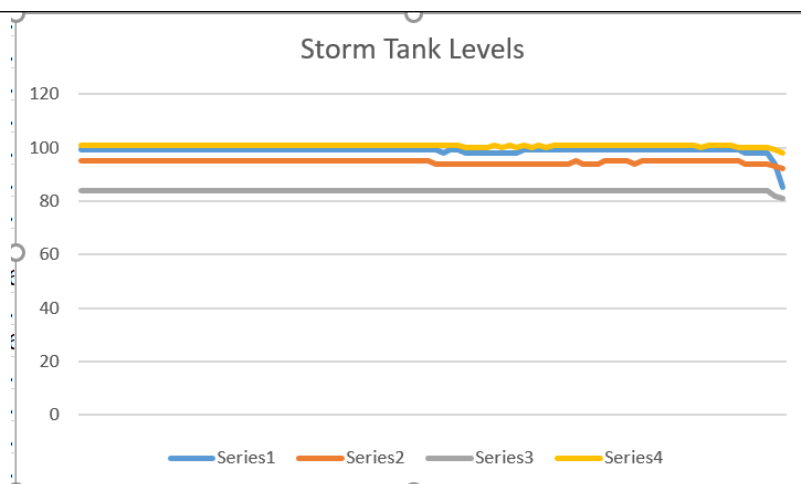


On the 4th October 2020, the FFT was as shown in the graph below:



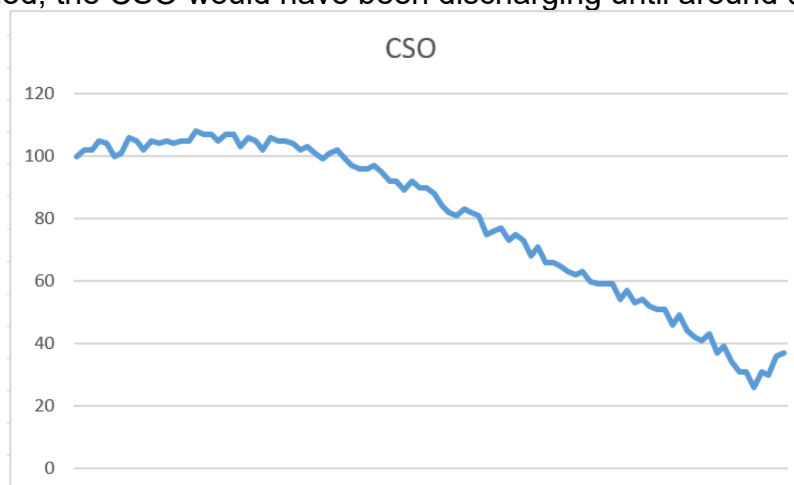
This shows that the FFT was around the required 48.7 l/s until 22:30.

During the same period, the Storm Tanks levels were :



* note - Tank 3 only ever reaches 85/86 % as a maximum and is therefore assumed to be full at this height. The other three tanks are around 100%.

During the same period, the CSO would have been discharging until around 9 am :



The data indicates that a Storm and CSO discharge would have been occurring from midnight until around 9am. A Storm discharge would then have continued for most of the day until around 10pm. These discharges occurred when the sewage works was treating the required flow.

The data also shows that for the period 1/10/20 15:30 to 3/10/20 10:00, Storm Tanks 1,2 and 3 were empty but Storm Tank 4 remained nearly full at 97%. During this period, the FFT was frequently low and Storm Tank 4 should have emptied during this period. The tank was therefore not available for storm sewage storage when flows rose on the afternoon of the 3/10/20. This is a breach of Storm Permit CM0017602 Condition 2.3.1 (b) which requires the storm tank contents to be returned to FFT as soon as reasonably practicable.

Assuming all storm tanks are equal in size, Storm Tank 4 has a capacity of 118,000 litres. This means that during the storm event of 3/10/20, around 118,000 litres of storm sewage was discharged unnecessarily.

This was also occurring near the start of the data period on 23/12/19 to 27/12/19 and the end of the period on 15/11/20 and suggests that this has been and is standard operating procedure.

The cause of Storm Tank 4 not emptying was identified by Welsh Water as an error in the electronic control system program and confirmation was received on the 30th April 2021 that this had been rectified.

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.