

Compliance Assessment Report CAR_NRW0039080

Permit being assessed: CG0375402

For: PORTHMADOG STW STORM STORAGE PORT, held by DWR CYMRU CYFYNGEDIG

At: PORTHMADOG STW STORM STORAGE P, PORTHMADOG ,, PORTHMADOG ,, PORTHMADOG ,, ,.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 11/11/2021, between 09:00 and 10:30.

Parts of permit assessed: Whole permit

NRW Lead Officer: Simon Roberts, accompanied by: Eurnyn Roberts.

Report sent to: Victoria Collier, Catchment Manager North West Wales – Wastewater Treatment, on 31/01/2022.

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	C4 No impact	2. The Discharge shall only occur when the storm storage tanks are full, and the storm sewage pumping control system is inoperative as a result of failure of the automatic control system, not due to the act or default of the consent holder, its agents, representatives, officers, employees or servants; and it is not reasonably practicable to dispose of the sewage otherwise. There shall be no undue delay on the part of the consent holder in remedying any such failure or breakdown.

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	Apply for permit variation	15/12/2022

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

Site visited on 11/11/2021 by Natural Resources Wales staff following concerns by a member of the public regarding discharge taking place into the Glaslyn Estuary within the Glaslyn marshes from flap valve located at NGR SH 5736 3890.

It was explained that the discharge witnessed on the 28th of September 2021 was a result of localised heavy rain. During high rainfall events the first spill point is the SPS into the Porthmadog Cut (SH5696039070). DCWW have confirmed that there is an incoming sewer float present in the network upstream of the terminal SPS. This is in place to identify when the sewer is at high level and maximum capacity has been reached in addition to indicating when the SPS has reached maximum storm capacity and could lead to local internal/external flooding and the terminal SPS becoming inoperable due to flows.

If incoming flows are still greater than the storm to cut pumps can cope, then the float in the sewer will raise in high level and will override the inhibit of the storm pumps to works and the SPS will pump to the storm tanks within the STW. If the storm tanks are full then there is a possibility that they will spill from the flap valve into the Glaslyn.

The incoming sewer float enables the SPS storm pumps to pump more flows to the storm tanks at the treatment works as storm sewage in an Emergency. It has been stated that this is a key protective measure to prevent flooding issues and the terminal SPS becoming inoperable including the control system. This key protective measure as per requirement in consent CG0051901. As sewer levels are alleviated the system will prevent further flows being sent to the storm tanks.

The float has been installed as a key protective measure to **prevent** the SPS terminal and control system from becoming inoperable. Should the control system become inoperable, it would result in a risk of flooding to Porthmadog.

However, there is an issue in the fact that the discharge permit for the Glaslyn flap valve at

SH5735838902 (Permit CG0375402) is for discharge of storm sewage in an emergency, with emergency being described as the storm tanks being full, and the sewage pumping control system being inoperative as **a result of a failure** of the automatic control system.

Whilst the Storm Sewage permit (CG0375402) is for an emergency discharge resulting from an actual failure of a failure of the automatic control system, DCWW's current procedures carried out under their key protective measures are in place to prevent a failure of the control system.

As it stands there is no actual consent for routine storm sewage discharge from the STW to the Glaslyn, and any storm sewage discharge from the flap valve into the Glaslyn Estuary would be considered a non-compliance of permit condition 2 if carried out without an actual emergency taking place where the automatic control system has actually failed.

Given that there is no consent in place for the routine storm sewage discharge from the STW the permit needs to be varied to reflect what is going on on site for the discharge to be legal. Please therefore apply for a permit variation on this front. It should be made clear that there is no guarantee that NRW will be able to amend the permit as necessary following the required application, as this would be dependent on going out to consultation and a public advert. It is also worth noting that the variation to the permit could require an investigation and a solutions document and follow a UPM (Urban Pollution Manual) study.

NRW have received an update from DCWW stating that they intend to modify their system to comply with their permit and are trialling the removal of the automatic float system from the sewer and to manage this system manually. This is planned for the end of January 2022. However should routine storm sewage discharges still occur outside of actual emergency conditions then the permit variation requirement will still stand.

Secondly, is there anything that DCWW can do to hasten the emptying of the storm tanks? During the site visit on the 11/11/21 both storm tanks appeared to be half full. The capacity of the storm tanks is 840cubic meters. It is appreciated that it would take a while for the storm tanks to empty after heavy rain, however preceding the site visit our rainfall gauge for Porthmadog indicates that no heavy rain had occurred for a few days, and no downpour of rain for over a week. With the storm tanks still half full it prohibits the tank's capacity to store as much storm sewage as possible, increasing the risk of discharge into the Glaslyn. Condition 5. of Permit CG0375402 states that "The storm storage tanks shall be emptied automatically and their contents returned to full treatment as soon as practicable after cessation of the storm event". Please ensure that this condition is adhered to and the storm tanks are emptied back into the works as soon as is practicable.

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.