

Compliance Assessment Report CAR_NRW0039197

Permit being assessed: BB3398HV
For: Sugn-y-Pwll, held by Hafren Dyfrdwy Cyfyngedig
At: Tower Hill, Llangollen, LL20 7YH.

Type of assessment carried out: Check Monitoring/Sampling, Reason: Routine.
On 20/01/2022.

Parts of permit assessed: Monitoring

NRW Lead Officer: Angela Roberts.

Report sent to: Amy Hazard, Water Treatment Process Lead, on 31/03/2022.

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

| Part of permitted activity assessed (criteria) | Assessment result | Permit condition |
|---|-------------------|--|
| WQ-C1 - Emissions and monitoring - Emissions to water | C2 Significant | 3.1.1 The limits in schedule 3 table S3.1 shall not be exceeded |
| WQ-C1 - Emissions and monitoring - Emissions to water | C2 Significant | 3.1.1 The limits in schedule 3 table S3.1 shall not be exceeded |
| WQ-D3 - Information - Notifications | C3 Minor | 4.3.1 Natural Resources Wales shall be notified as soon as reasonably practicable following detection, within the site of the regulated facility of: (a) any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution; and (b) any breach of a limit specified in schedule 3 table S3.1. |

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 | comply with permit | Already completed |
| WQ-C1 | Comply with permit | Already completed |
| WQ-D3 | comply with permit | Already completed |

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

On the 8th November 2021, there was a breach of the chlorine limit. Result 0.43mg/l (limit in the permit is 50ug/l), which is nearly over 10 times the limit.

Legacy operational Instruction 534_10 categorises this as class 1(c) more than four times any absolute (that is non sanitary) limit. Updated NRW Operational Guidance Note (OGN)113 sets out overarching principles, one of which is 'reasonably foreseeable impact', taking both documents into account, this breach has been determined as C2 (the potential to have a significant impact)

The notification of this failure received on the 16th November 2021 initially stated that the effluent was potentially not being discharged to the watercourse via the v notch weir and this was being investigated further.

Initial RFF report received on the 30th November 2021 stated that the sample pumps were not running at the time of exceedance and it was determined a negligible volume of water was being discharged to the de-chlorination chambers.

On the 17th December it was confirmed that upon further investigation the flow was not negligible and that the maximum daily discharge volume had been breached on the 8th November 2021.

Result 18m³/day (limit in the permit is 7.2m³/day).

Legacy operational Instruction 534)_10 categorises this as class 2(c) more than twice any absolute (that is non sanitary) limit.

There was also late reporting of the maximum daily discharge volume, having been confirmed on the 17th December 2021 to NRW

An updated RFF report was received by NRW on the 18th January 2022.

The investigation found that the chlorine exceedance had occurred due to an underperformance of the de-chlorination unit. This was due to sodium thiosulphate tablets becoming 'stuck' and not able to drop into flow of water to reduce chlorine level.

It was also found that some of the flow was by-passing the v notch. When reviewing the flows through the site, it was noted that the sample analyser flow control valves had been opened fully increasing the flow.

The above issues have since been rectified by the company to prevent a recurrence

- twice weekly inspections now include checking the tablets have not become stuck
- de-chlorination unit has been modified to help prevent blockage in first instance
- the valves have now been locked off and tagged to prevent accidental adjustment and the flow volume has been set to 5.75m³/day. They will be replaced by flow control lockable valves - to confirm when this has occurred.

There was no known impact on the receiving watercourse.

A site visit will be arranged with the site operator.

Update

Site visit took place 30/3/2022

Routine operator visits to site have increased to 3-4 times weekly

Tablets no longer in tubes removing risk of blockage and are now within hessian sack

Looking into the option of online monitoring and whether viable for this site

Flow meter installed

A warning is now issued for these breaches

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.