

Compliance Assessment Report CAR_NRW0039676

Permit being assessed: CM0175301

For: Gwersyllt Glan Llyn (Fishpond) CSO, held by DWR CYMRU CYFYNGEDIG

At: R/O Pen Y Llyn, Gwersyllt, Wrexham, LL11 4PE.

Type of assessment carried out: Check Monitoring/Sampling, Reason: Incident Response (Incident number: 2107532).

On 08/09/2021.

Parts of permit assessed: Operating Techniques

NRW Lead Officer: Callum Brannan.

Report sent to: CARS Mailbox, CARS Mailbox, on 06/04/2022.

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	C3 Minor	Schedule 1 - Operations

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	Blockage has been removed - no further action required	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 of September 2021, NRW received a report (WIRS: 2107532) of unusual white foam in the stream that joins the Afon Alyn. A POLFAX was sent to DCWW and further investigation confirmed that Gwersyllt Glan Llyn (Fishpond) CSO (CM0175301) was discharging. Further discussions with DCWW

confirmed the reason for the discharging CSO was due to a blockage in the network caused by a domestic drain rod.

Photographs were also received, no evidence of sewage debris in the watercourse.

Under Schedule 1 of permit CM0175301, the CSO is only permitted to discharge in the event of a storm. The following condition 2.3.1 specifies that a 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 or*

(ii) the hydraulic capacity of the sewer network downstream of the combined sewer overflow is reached due to rainfall and/or snow melt and the level of storm sewage in the sewer at the combined sewer overflow is greater than the weir level of the overflow structure which is specified as an overflow setting in table S3.3.

On this occasion the reason for the CSO discharge was due to a blockage in the sewer network. Therefore this is a breach of condition 2.3.1 (a.ii)

A third-party claim was submitted by DCWW due to the nature of the blockage. However this was rejected by NRW's All Wales SEO Group due to the guidance set out in Operational Instruction 16 02: Recording and categorising water industry self-reported pollution incidents.

Page 16 of the guidance provides the following guidance: For a third party to be responsible, these incidents would have to be unanticipated or unforeseeable cases such as of vandalism, or wilful or accidental damage, or of trade effluents operating outside their consent or agreement.

70% of the SEO group were in favour of rejecting the claim due to the guidance above.

Please accept this CAR form as your warning letter.

If you would like to discuss the matter further, please contact me on the following:

07880 079517

Callum.Brannan@cyfoethnaturiolcymru.gov.uk

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.