

Compliance Assessment Report CAR_NRW0039847

Permit being assessed: BP0284701

For: AFAN WWTW, held by DWR CYMRU CYFYNGEDIG

At: AFAN WWTW, PHOENIX WHARF, HARBOUR ROAD, PORT TALBOT, SA13 1RA.

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

On 31/12/2021.

Parts of permit assessed: 4.2.2

NRW Lead Officer: Chris Palmer.

Report sent to: CARS mailbox, CARS@dwrwymru.com, on 29/04/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-D2 - Information - Reporting	C4 No impact	4.2.2 - OSM late data
WQ-D2 - Information - Reporting	C4 No impact	4.2.2 - UWWTD late data
WQ-D2 - Information - Reporting	C4 No impact	4.2.2 Reporting - ASR incorrect data

Result types are explained in more detail in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
WQ-D2	Please ensure that OSM sampling reports are completed quarterly and submitted with 28 days of the end of the reporting period	30/06/2022
WQ-D2	Please ensure that UWWTD sampling is carried out monthly and results and reports are submitted with 28 days	30/06/2022
WQ-D2	Please ensure that the sampling frequencies in any submitted sampling calendar are correct.	30/06/2022

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.

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

1. 29/07/2021 - 4.2.2 (4.1) Late data - OSM result for Cyanide (free) for sample dated 26/02/2021 submitted on 29/07/2021
2. 29/07/2021 - 4.2.2 (4.1) Late data - UWWTD sample taken on 29/06/2021 submitted 1 day late
3. 31/12/2021 - 4.2.2 Annual Summary Report - Incorrect information recorded on ASR

The following text summaries the non-compliance and discussions and agreements reached between Dwr Cymru and NRW

NRW Comments

Incorrect information recorded on ASR. Date of Event recorded 04/07/2020 - assume it should have been 16/06/2020. Increased frequency did not start until Oct 2020, so end date should have been September 2021 (recorded incorrectly as the 30/06/2021). In addition, the UWW look up exceedance on the 29/06/2021 should not have resulted in an increase in sampling in the OSM programme (but should have been increased in the UWWTR programme for 2022 following clarification from NRW in March 2022).

DCWW Comments

Date of 04/07/2020 was used as this was the last date that this site failed on 2020 and would therefore roll the increased frequency time forward.

Agree with end date comment however, need discussion on removal of increased frequency samples in schedule for 2022. Outcome - Agreed that increased freq samples dates already provided in the 2022 OSM schedule should remain and be reported.

Further DCWW Comments and agreement

Discussion had with NRW on 06/04/2022. NRW confirmed that the event on the 04/07/20 was an LuT and not a 'failure' and therefore wouldn't affect increased frequency. UWW 'failure' was on 16/6/20 and increased freq criteria should have been applied from then. Therefore under the criteria now clarified and agreed in March 2022 - Non-compliance clarified and accepted.

The non-compliance/s listed above were identified during our annual 2021 data audit. This audit assessed Dŵr Cymru Welsh Water's compliance at all their sewage treatment works and water treatment works with Operator Self Monitoring (OSM) conditions, UV conditions and Urban Waste Water conditions.

Please note: this CAR is dated 31/12/21 as these non-compliances relate to annual 2021 data, however for clarity I carried out the compliance assessment on 29/04/22.

Our enforcement response is subject to further investigation.

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.