

Compliance Assessment Report CAR_NRW0042589

Permit being assessed: BP0280801

For: CWMBWRLA CSO CWMBWRLA RBOU SWANSEA, held by DWR CYMRU CYFYNGEDIG

At: In front of Gors Mission Church, 259 Carmarthen Rd, CWMBWRLA, Swansea, SA5 8LP.

Type of assessment carried out: Report/Data Review, Reason: Incident Response (Incident number: 2307700).

On 10/10/2023.

Parts of permit assessed: Permitted Activities, Operations Notifications

NRW Lead Officer: Sarah Bennett.

Report sent to: CARS Mailbox, CARS@dwrwymru.com, on 10/10/2023.

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

| Part of permitted activity assessed (criteria) | Assessment result | Permit condition |
|------------------------------------------------|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| IR2A - Operations - Permitted activities | C3 Minor | Permitted activities 2.1.1: The only activity authorised by the permit is the activity specified in schedule 1 table S1.1. which is a discharge of storm sewage via the point of discharge. |
| IR2C - Operations - Operating techniques | C3 Minor | 2.3.1 For the discharge specified in table S3.3: (a) The 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 |
| IR4C - Information - Notification | Assessed (A) | |

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

2. What action is required?

| Criteria | Action needed | Complete by |
|----------|-------------------------------------------------------------------------------------------------------------------|-------------------|
| IR2A | Take steps to minimise, and when possible stop, any non storm discharges. This action has already been completed. | Already completed |

| Criteria | Action needed | Complete by |
|----------|---------------------|-------------------|
| | See comments below. | |
| IR2C | Same as Action IR2A | 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.

At this time, we do not intend to take any further action.

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

The purpose of this report is to record a non-compliance which have occurred as a result of action taken during a pollution incident.

On the 2 October 2023 you informed us that a significant collapse of a nearby culverted watercourse had damaged the public foul sewer and sewage was entering the Burlais Brook, a culverted tributary of the Tawe.

On the 4 October you informed us, via a Watpol, that you were planning to insert a stopper on the sewer line upstream of the break so an investigation could be carried out and that this would result in the flows backing up the network and spilling from Cwmbwrla roundabout CSO to the Burlais Brook.

This notification also described what action you were going to take to minimise or stop the CSO from spilling. Notably a two phased operation to firstly over-pump all dry weather flows and then to over-pump all flows, including those in excess of the permitted PFF of 196 l/s. Phase 2 is still being progressed.

Forcing the flows via the CSO gives the advantage of the discharge being passed through the 6mm screen installed.

On the 5 October you informed us, via Watpol, that the stopper had been inserted and the CSO was spilling. Later on that day you let us know Phase 1 over-pumping operation had been set up and the CSO had stopped spilling.

On the 6 October we received an Opnot in relation to the permitted site informing us that:

- ***Sewer line downstream of CSO has been isolated to over-pump collapsed sewer in relation to pollution incident WIRS 2307700. This is causing level in the asset to sit at a higher level than normal.***
- ***Smart-hub monitoring asset closely, further over-pumping to be set-up in due course.***
- ***DCWW working closely with Council and landowners to progress a complex repair as soon as possible.***

- ***No discharge at present as over-pumping can manage dry weather flows.***

I have recorded the discharge of non-storm sewage that occurred between the 2 October and the 5 October as a breach of permit conditions 2.1.1. and 2.3.1. We understand that further discharges/breaches may occur dependant on weather conditions before Phase 2 is completed or when changes in flow management have to be made to facilitate investigations and/or repairs.

The circumstances surrounding this incident should be taken into consideration when any reporting of non-compliances is carried out.

The action given captures those already identified by you so there is no further action.

You are compliant with Notification Condition 4.3.1 which specifies that Natural Resources Wales shall be notified as soon as reasonably practicable following detection, within the site of the regulated facility of 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. Any other significant adverse environmental effects, which may have been caused by the activity, shall also be notified to Natural Resources Wales as soon as reasonably practicable following detection.

Thank you.

End

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.