

Compliance Assessment Report CAR_NRW0042600

Permit being assessed: AE2020201

For: Oxford St CSO, Mountain Ash, held by DWR CYMRU CYFYNGEDIG

At: Rear of train station, Miskin Rd, Mountain Ash, Merthyr Tydfil, CF45 3HE.

Type of assessment carried out: Report/Data Review, Reason: Incident Response
(Incident number: 2304108).

On 01/06/2023.

Parts of permit assessed: 2.1.1

NRW Lead Officer: Emily Roe01.

Report sent to: CARS mailbox, CARS mailbox, on 18/10/2023.

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	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.
WQ-B3 - 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
WQ-D2 - Information - Reporting	C3 Minor	3.1.4
WQ-D3 - Information - Notifications	C3 Minor	4.3.1

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

2. What action is required?

Criteria	Action needed	Complete by
WQ-B1	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.	
WQ-B3	Same as Action as above	Already completed
WQ-D2	Ensure probes are in good working order and recording	14/11/2023
WQ-D3	Ensure NRW are notified when probes do not work	14/11/2023

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

**Polfax sent after a caller reported discoloration to the River Cynon.
An investigation of the sewer network upstream identified a CSO at Oxford St in Mountain Ash discharging, dye test confirmed discharge location**

[Due to the circumstances of the operation of this asset, the operation in this instance has been considered a breach of conditions 2.1.1 and 2.3.1 of your permit AE2020201, as described below.](#)

Conditions

Operations

[2.1.1 The only activity authorised by the permit is the activity specified in schedule 1 table S1.1.](#)

Operating techniques

[2.3.1 - 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 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](#)

[The capacity of the sewer network downstream of the combined sewer overflow shall not be altered in any way which would lead to a significant increase in the frequency or volume of the discharge.](#)

As this asset operated under conditions other than those permitted, and a third party claim

submitted by DCWW has not been accepted by NRW in this instance, it is considered that the asset operated contrary to its permit.

Monitoring

3.1.4 The operator shall take appropriate measures to ensure that the event recorder remains fully operational at all times within the reference period specified in table S3.1. Any failures shall be remedied as soon as reasonably practicable.

EDM Data requested for these dates. 25/05/2023 - 03/06/2023

Reply received - 'Unfortunately we have had communications issues with the probe at this site which have now been repaired. I'm sorry but we do not have data for the period you requested.'

Notifications

4.3.1 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.

Actions:-

Provide details of when an issue with the probe was identified and logged, and when the repairs were completed. By 14/11/2023

Provide details of maintenance schedule for this asset and when the asset was maintained prior to this incident. By 14/11/2023

Notifications of faulty equipment must be sent to NRW in a timely manner. Provide details of why NRW was not notified in this instance. By 14/11/2023

If you have any queries, please do not hesitate to contact me via the email address below. emily.roe01@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.