

Compliance Assessment Report CAR_NRW0042817

Permit being assessed: AN0391001

For: Llangybi STW Llangybi Usk Settled Storm, held by DWR CYMRU CYFYNGEDIG

At: Track past Vine Tree Cottage, Llangybi, Usk, NP15 1NP.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 24/10/2023, between 08:30 and 09:10.

Parts of permit assessed: Whole permit

NRW Lead Officer: Peter Jones, accompanied by: Tracy Jones, John Benson.

Report sent to: Richie Ingles, Senior Process Scientist, on 27/11/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	2.3.1
IR1A - Management - General management	C2 Significant	2.1.1
IR3A - Emissions and monitoring - Emissions to water, air or land	C2 Significant	2.3.1 (b) & (c)

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

2. What action is required?

Criteria	Action needed	Complete by
IR3A	Repair Overflow setting baffle	30/11/2023
IR1A	Comply with permit conditions	30/06/2024
IR3A	Comply with permit conditions	30/06/2024

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

Routine site inspection of Llangybi STW Settled Storm AN0391001. Inspection carried out by Peter Jones and Tracy Jones. John Benson from DCWW was also present.

Weather: Foggy and raining.

The asset was inspected as part of the routine inspection of Llangybi STW, permit number AB0046601.

Effluent enters the works and if the flow exceeds 5 l/s, effluent will spill over the weir level and enter the storm channel. The baffle was damaged and there is a constant flow of effluent entering the storm channel. This is a breach of permit condition:

2.3.1 (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 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 the 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 (5.3 l/s).

The permit authorises the discharge of settled storm only and the storm storage must be fully utilised before a discharge occurs. The Llangybi STW does not currently have any storm tanks. The storm discharges which have taken place since 1 May 2020 have been in breach of permit conditions:

2.1.1 The only activity authorised by the permit is the activity specified in schedule 1 table 1.1 (Discharge of settled storm sewage)

2.3.1 (b) & (c)

(b) Off-line storm storage must be fully utilised before a discharge occurs

(c) On-line storm storage must be fully utilised before a discharge occurs.

This is a significant breach of the permit condition. NRW is currently considering its enforcement response to these breaches of the permit conditions. You should now take steps to repair the overflow weir to prevent unauthorised discharges of storm sewage to the River Usk.

Can you also advise why storm tanks were not installed at the site when the permit was issued on the 1 May 2020. Steps will now need to be taken to install storm tanks on the site to comply with the permit conditions. Please provide an outline report by the 12 January 2024, detailing when storm tanks will be installed at the site to bring the site into compliance.

Contact:

If you have any queries regarding this CAR form or to provide an update on any actions above, please contact me using the following details: Peter Jones, Environment Officer, Peter.A.Jones@naturalresourceswales.gov.uk, 07760443974

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.