

## Compliance Assessment Report CAR\_NRW0042829

**Permit being assessed:** BP0237405

For: CSO 11, Adjacent to Junction of Mumbles Rd, held by DWR CYMRU CYFYNGEDIG

At: Outside No. 48 Norton Road, Mumbles, Swansea, SA3 5TQ.

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

On 14/12/2023.

Parts of permit assessed: 3.1 Emissions to water

**NRW Lead Officer:** Sarah Bennett.

**Report sent to:** CARS@dwrcymru.com, CARS Mailbox, on 14/12/2023.

### 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	C4 No impact	3.1.2 If the measured number of significant block counted spills exceeds the limit specified in Table S3.1 this constitutes a Trigger Exceedance and the operator shall: (b) provide a reason for the Trigger Exceedance and a description of any remedial action undertaken or proposed. Where the reason/s for the Trigger Exceedance cannot be identified within the 3 months of the Trigger Exceedance the operator must provide a proposal with timeframes for a full investigation to be carried out to identify the reason/s for the Trigger Exceedance for approval by Natural Resources Wales.
WQ-C1 - Emissions and monitoring - Emissions to water	Action only (X)	

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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	Submit a proposal with timeframes for a full investigation.	Already completed
WQ-C1	<p>Securing future compliance: Please ensure that you now comply with Condition 3.1.2 (c) by implementing the investigation proposal as approved by Natural Resources Wales. Your investigation proposal included the following:</p> <ul style="list-style-type: none"> <li>• Wider catchment surveys to identify infiltration.</li> <li>• Catchment connectivity surveys.</li> <li>• Model the asset and check consent setting.</li> <li>• Check Pass forward flow.</li> <li>• Review of CSO configuration to confirm measuring points are correct.</li> </ul>	01/05/2024
WQ-C1	Securing future compliance: Once you have completed the investigation, please provide NRW with a report which identifies the reason/s for the Trigger Exceedance, as is required by Condition 3.1.2 (c). See comments below for more information.	31/05/2024

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.

### **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:

- **assess and record compliance with Condition 3.1.2 (b) relating to Event Duration Monitoring**
- **record our comments and approval of the proposed investigation**
- **give advice on complying with Condition 3.1.2 (c) going forward.**

Condition 3.1.2 (b) requires you to provide a reason for a Trigger Exceedance and a description of any remedial action undertaken or proposed. Where the reason/s for the Trigger Exceedance cannot be identified within the 3 months of the Trigger Exceedance you must provide a proposal with timeframes for a full investigation to be carried out to

identify the reason/s for the Trigger Exceedance for approval by Natural Resources Wales.

We received your Investigation Proposal on the 2 November 2023 when it should have been sent to us by the 15 October 2023. This means you not compliant with the requirement in Condition 3.1.2 (b) to submit the proposal within 3 months. A C4 breach has been recorded for this non-compliance.

This breach is in contravention of Regulation 38 (2) of the Environmental Permitting (England and Wales) Regulations 2016 which states that it is an offence for a person to fail to comply with or to contravene an environmental permit condition.

**Please try to submit any future reports within the required 3-month period. This advice and guidance is given formally.**

At this point in time, you have been unable to establish the reason for the Trigger Exceedance and have submitted an investigation proposal for our approval.

Work carried out so far includes root removal, checking for obstructions and backflow from the surface water system.

Your investigation proposal to identify the reason(s) for the Trigger Exceedance consists of:

- Wider catchment surveys to identify infiltration.
- Catchment connectivity surveys.
- Review of CSO configuration to confirm measuring points are correct.
- Check Pass forward flow.
- Model the asset and check consent setting.

**I approve the submitted investigation proposal.**

Condition 3.1.2 (c) states that if a full investigation is required by condition 3.1.2(b), implement the proposal as approved by Natural Resources Wales and provide to Natural Resources Wales a report which identifies the reason/s for the Trigger Exceedance.

**You now need to implement the investigation proposal in order to comply with Condition 3.1.2 (c) of the permit. Please complete the investigation by the 30 April 2024.**

**Condition 3.1.2 (c) also requires you to provide NRW with a report which identifies the reason/s for the Trigger Exceedance. Please provide this report by the 31 May 2024.**

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](mailto: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](mailto: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.