

## Compliance Assessment Report CAR\_NRW0043038

**Permit being assessed:** AN0318101

For: A CSO at Clydach Vale Davies Street, held by DWR CYMRU CYFYNGEDIG

At: Davies Street, Tonypandy, RCT, CF40 2RG.

**Type of assessment carried out:** Report/Data Review, Reason: Incident Response  
(Incident number: 2307844).

On 15/12/2023.

Parts of permit assessed: Operating Techniques

**NRW Lead Officer:** Ceri Malone.

**Report sent to:** CARS@dwrcymru.com, CARS Mailbox, on 17/04/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
IR2C - Installations - Operations - Operating techniques	C3 Minor	2.3.1 For the discharge specified in table S3.3: (a) (i) and (ii)

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

### 2. What action is required?

Criteria	Action needed	Complete by
IR2C	<p>Additional security for pumps to be arranged – herras fencing and CCTV monitoring.</p> <p>Jetvan crew to wash down screens and CSO chamber after screened discharge stopped.</p> <p>Full incident review to be organised.</p>	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.

**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

The purpose of this report is to:

- **Assess and record compliance with condition 2.3.1 (a) relating to a discharge from the CSO.**
- **Record our comments.**

At 08:44 on 10/10/2023 a telemetry alarm for the asset was raised by DCWW. A pollution tech and jetvan crew attended site and confirmed that the CSO was discharging to the Nant Clydach. This incident was reported to Natural Resources Wales (WATPOL 316716610 / WIRS 2307844) at 10:30 on 10/10/2023 by DCWW pollution tech Jonathan Evans. DCWW investigated the discharge and determined that failed overpumping downstream of the CSO for capital lining was the cause. DCWW stated that the pump failure was due to fuel being stolen from an unsecured unit. A storyboard DCWW submitted as part of the incident review states that “pumps were not sufficiently protected to prevent fuel from being stolen”.

Condition 2.3.1 (a) of the permit specifies that a 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 S3.3.

As the discharge was not due to rainfall and/or snowmelt this is a breach 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.

Actions that have been taken by DCWW since the incident:

- Additional security for pumps arranged – heras fencing and CCTV monitoring installed.
- Screens and CSO chamber washed down after screened discharge was stopped.
- Full incident review to be organised.

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.