

Compliance Assessment Report CAR_NRW0044176

Permit being assessed: BW0200101

For: CSO No 115 Scotts Yard Cwmafan, held by DWR CYMRU CYFYNGEDIG

At: Opp 40 Lletty Harri, Velindre, Port Talbot, SA13 2ES.

Type of assessment carried out: Report/Data Review, Reason: Incident Response (Incident number: 2403179).

On 10/03/2024, between 09:00 and 17:00.

Parts of permit assessed: 1.1.1 (a) & 2.3.1

NRW Lead Officer: Rhys Griffiths.

Report sent to: CARS Mailbox, CARS@dwrwymru.com, on 15/07/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-A1 - Water Quality - Management - General management	C3 Minor	1.1.1 (a) and 2.3.1

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

2. What action is required?

Criteria	Action needed	Complete by
WQ-A1	See actions section of CAR form	12/08/2024

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.

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

This CAR form is in response to WIRS 2403179 / SAP reference: 316861383

- On the 10th March 2024, NRW received pollution reports (1 early morning, 1 late

afternoon) from members of public that the CSO at Ynys Y Gored was discharging to the River Afan at full bore and the left side of the river was grey in colour.

- NRW Duty EMDO issued a POLFAX to DCWW.
- DCWW attended on Sunday the 10th March 2024, however they were unable to gain access to the river due to the steep riverbank and were therefore unable to obtain water quality samples. Furthermore, they were unable to halt the pollution or carry out any mitigation measures.
- As the water pollution incident was ongoing, NRW Officers attended on the Monday 11th when over pumping was installed by late afternoon, this reduced the volume of sewage being discharged to the River Afan but didn't stop the pollution incident. NRW officers re attended on Tuesday 12th March, when Dwr Cymru and their contractors managed to manually adjust the flow control device at the CSO enabling greater flows to be passed forward from the CSO to the downstream sewer which, resulted in the CSO stopping to discharge at 14:00 p.m.
- From reviewing the telemetry graph provided by Dwr Cymru as part of the pollution incident storyboard, the CSO started to spill on or around the 26th February and appears to have spilt continuously over that period (15 days) until the afternoon of the 12th March 2024.
- It appears that the sewer cleansing operation upstream at Pant Du CSO has initiated this pollution incident. The work at Pant Du CSO was a SOAF intervention to reduce the spill frequency and duration at that asset, improving hydraulic performance in the downstream sewer by removing siltation.
- The Alpheus control and another flow control device in the downstream sewer in close proximity to Ynys Y Gored CSO were known to be defective and were in need of essential maintenance by the manufacturer or specialist contractor. We understand that both devices had not been serviced since they were installed which is contrary to the manufacturers' recommendations.

This discharge is not in accordance with conditions:

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 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.

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.

1.1.1 (a)

The operator shall manage and operate the activity: in accordance with a written management system that identifies and minimises risks of pollution so far as is reasonably practicable, including those risks arising from operations, maintenance, accidents, incidents, non-conformances and those drawn

to the attention of the operator as a result of complaints.

This incident has been classified as a Low level/Cat 3 to water quality.

Actions

- 1. Carry out an incident review and root cause analysis. (Was telemetry functioning correctly at this asset at the time of the incident?) Report findings and resulting actions to NRW.**
- 2. Review the flow settings for the CSO and the sewer network hydraulics surrounding this asset. Please confirm findings to NRW.**
- 3. Please confirm the repair and servicing schedule for the two defective flow control units at Ynys Y Gored, together with the timescale for implementation.**
- 4. Carry out a thorough clean up of the river bank including water margin as sewage litter and debris continues to be present.**

Please carry out and communicate the above actions with NRW by the **12th August 2024.**

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.