

## Compliance Assessment Report CAR\_NRW0043370

**Permit being assessed:** AB0067102

For: Settled Storm Tank at Nash Waste Water Treatment Works, held by DWR CYMRU CYFYNGEDIG

At: Off West Nash Rd, Nash, Newport, NP18 2BZ.

**Type of assessment carried out:** Audit, Reason: Routine.

On 19/09/2023.

Parts of permit assessed: All parts

**NRW Lead Officer:** Megan Jones.

**Report sent to:** John Bowd, Catchment Manager, on 13/09/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-B2 - Water Quality - Operations - The site	C3 Minor	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
WQ-D1 - Water Quality - Information - Records	C4 No impact	2.3.1 (a) (i) The flow passed forward is equal to or greater than the overflow setting [1415 l/s] indicated due to rainfall and/or snow melt
WQ-A1 - Water Quality - Management - General management	C2 Significant	2.3.1 (b) Off-line storm storage must be fully utilised before a discharge occurs. It shall only fill when the

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		flow passed forward is equal to or greater than the overflow setting indicated due to rainfall and/or snow melt and shall be emptied and its contents returned to the continuation flow as soon as reasonably practicable.
WQ-B3 - Water Quality - Operations - Operating techniques	C2 Significant	2.3.1 (c) On-line storm storage must be fully utilised before a discharge occurs. It shall only fill with the excess flows due to rainfall and/or snow melt. The storage shall be emptied and its contents returned to the continuation flow as soon as reasonably practicable.

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

## 2. What action is required?

Criteria	Action needed	Complete by
WQ-B2	Investigate and produce an action plan on how you are going to address the tidal water ingress.	04/04/2024
WQ-D1	Inform us as to why EDM data is missing from the required date period.	04/04/2024
WQ-A1	Clarify the height of the storm tanks as there is either inaccurate reporting of tank heights or the sensors are uncalibrated. Submit evidence of calibrated sensors within the storm tanks and confirm the height.  Confirm how the storm tanks are cleansed and provide a maintenance schedule.	04/04/2024
WQ-B3	Provide us with a report on why storm tanks 3 and 4 were filling before storm tanks 1 and 2.	04/04/2024

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

**Re-issued CAR. Date amended to show 2023 rather than 2024 because the CAR was included in the 2023 EPA\*\***

### **Site report**

I (Megan Jones; Environment Officer) requested the following two years of data from Dwr Cymru: Pass Forward Flow (PFF) to Nash WwTW, Flow to Full Treatment (FFT) at Nash WwTW, Storm tank levels, Storm tank EDM discharges and Inlet flow data on 19.09.2023 to conduct an audit regarding the permit to operate a water discharge activity from the Settled Storm Tanks at Nash Wastewater Treatment Works (AB0067102). I was provided with the requested data on 17.11.2023.

From analysis of the data, it can be seen that the actual inlet flow to full treatment is higher than the permitted amount (Fig. 1); so more wastewater is being treated than the permitted specifications.

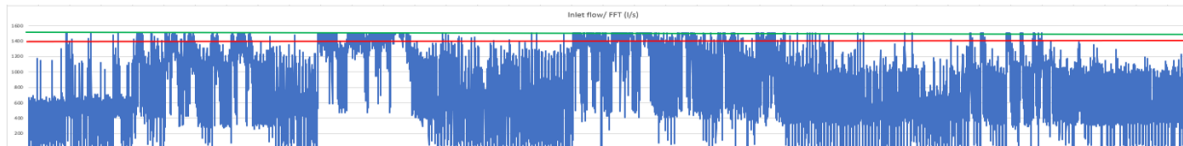


Figure 1. Flow to full treatment data for the past two years, with the permitted level highlighted in red and the actual treatment amount highlighted in green.

The storm tank level data was provided with a comment from Dwr Cymru stating “*We strongly believe that the majority of the reported spills are due to tidal ingress and don’t reflect discharge from storm tanks, we reported this issue to our Maintenance Team for investigation.*”

Tidal water ingress is unpermitted and evidence needs to be provided on how this will be rectified as the flap valve should be closed during high-tide. Dwr Cymru provided the height of the storm tanks of 2.5m, however, the data shows overflowing of the storm tanks (Fig. 2; red line) with readings being identified above 2.5m.

The data indicates there are times when the storm tanks do not fully empty. This is shown by red arrows in Fig. 2. This may be due to sludge deposits within the tank or uncalibrated sensors. Furthermore, the data shows that at times, storm tanks 3 and 4 are filling (and subsequently, spilling; Fig. 2; red boxes) before storm tanks 1 and 2 are full which should be going back to the inlet for treatment. Resulting in unauthorised spilling into the environment. However, the amount of spills cannot be accurately calculated due to the missing EDM data.

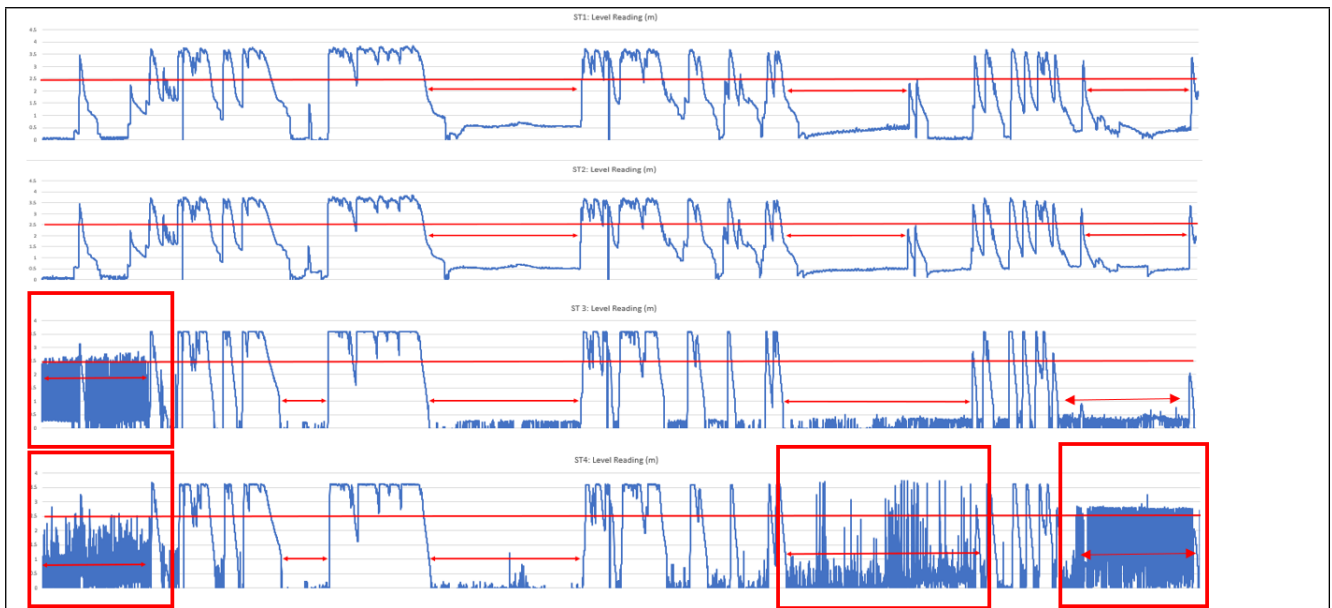


Figure 2. Storm tank levels for the previous 2 years. Red arrows show times when the storm tanks do not fully empty. The red boxes highlight when storm tanks 3 and 4 are filling before storm tanks 1 and 2.

**Breaches of permit**

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

***Justification: Tidal ingress into the storm tanks as a result of a faulty flap valve.***

2.3.1 (a) (i) The flow passed forward is equal to or greater than the overflow setting [1415 l/s] indicated due to rainfall and/or snow melt

***Justification: Unable to adequately assess due to missing dates within the EDM data provided.***

2.3.1 (b) Off-line storm storage must be fully utilised before a discharge occurs. It shall only fill when the flow passed forward is equal to or greater than the overflow setting indicated due to rainfall and/or snow melt and shall be emptied and its contents returned to the continuation flow as soon as reasonably practicable.

***Justification: All storm tanks have time periods where they are not fully emptying whilst not in storm conditions.***

2.3.1 (c) On-line storm storage must be fully utilised before a discharge occurs. It shall only fill with the excess flows due to rainfall and/or snow melt. The storage shall be emptied and its contents returned to the continuation flow as soon as reasonably practicable.

***Justification: There were multiple occasions whereby storm tanks 3 and 4 are filled before storm tanks 1 and 2. This opens up the possibility for there to be an***

***unauthorised discharge into the environment as storm tanks 1 and 2 are not being utilised.***

**Actions required by specified date**

1. Investigate and produce an action plan on how you are going to address the tidal water ingress.
2. Clarify the height of the storm tanks as there is either inaccurate reporting of tank heights or the sensors are uncalibrated. Submit evidence of calibrated sensors within the storm tanks and confirm the height.
3. Confirm how the storm tanks are cleansed and provide a maintenance schedule.
4. Provide us with a report on why storm tanks 3 and 4 were filling before storm tanks 1 and 2.
5. Inform us as to why EDM data is missing from the required date period.

**Contact details**

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: Megan Jones, Environment Officer, [megan.jones@cyfoethnaturiolcymru.gov.uk](mailto:megan.jones@cyfoethnaturiolcymru.gov.uk), 03000 65 4542.

If we do not receive the information requested within specified deadline and have not been informed as to why there is a delay then we may serve a Regulation 60 Notice requiring the information under Environmental Permitting (England and Wales) Regulations 2016.

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.