

Compliance Assessment Report CAR_NRW0045279

Permit being assessed: BW2900601

For: CSO at Resolven Above Clydach Brook, held by DWR CYMRU CYFYNGEDIG
At: 21 Heol Tonmaen, Resolven, Neath, SA11 4LW.

Type of assessment carried out: Report/Data Review, Reason: Incident Response
(Incident number: 2401030).

On 17/01/2024.

Parts of permit assessed: All

NRW Lead Officer: Rhys Griffiths.

Report sent to: CARS Mailbox, CARS@dwrwymru.com, on 25/09/2024.

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

| Part of permitted activity assessed (criteria) | Assessment result | Permit condition |
|---|-------------------|-------------------------------------|
| WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water | C3 Minor | 2.3.1 (a) (ii) operating Techniques |
| WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water | C3 Minor | 2.3.1 (a) (ii) operating Techniques |
| WQ-A1 - Water Quality - Management - General management | C3 Minor | 1.1.1 (a) General Management |

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 | Action 1 - Telemetry | Already completed |
| WQ-C1 | Action 2 - Cleansing of sewer | Already completed |
| WQ-A1 | Action 3 - Maintenance schedule | 30/10/2024 |

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

On the 17th January 2024, NRW received a report from a member of public informing that sewage rag was seen on the right hand bank of the River Clydach (WIRS 2401030). A POLFAX was sent to DCWW by NRW Environment Officers to investigate.

DCWW's storyboard evidence claims that *"it looks as though there have been a few spill events during the heavy rains in January/February."*

The non-compliances listed below were identified following investigations conducted by NRW Environment Officers in regard to the incident.

Non-compliance: Following a review of rainfall and spill data provided by Dwr Cymru, telemetry doesn't show consistency with heavy rainfall leading up to the incident. The accuracy of the telemetry is also questionable which cannot be solely relied upon to support the reason for discharge. *"DCWW - Although this is not showing 100% (spill level) on telemetry, it may be that the telemetry is slightly out. We are going to investigate the telemetry to ensure it has been installed and set up correctly."*

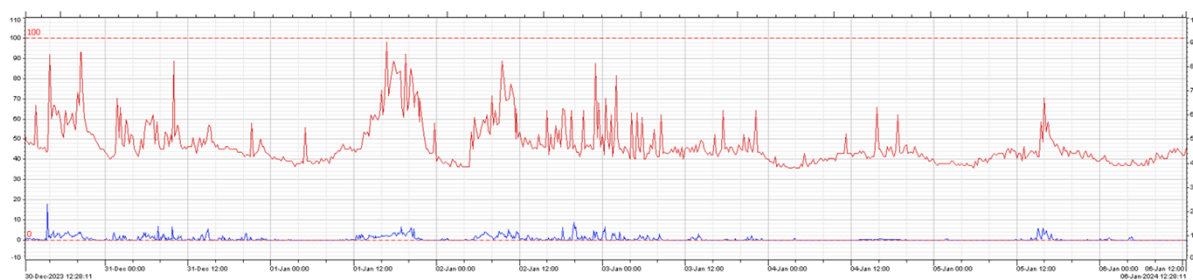


Figure 1 - The trend spikes in line with rainfall between 01 Jan - 03 Jan could have been spill events. There was very heavy rain during this period. The trend between this time and 17/01/2024 looks healthy.

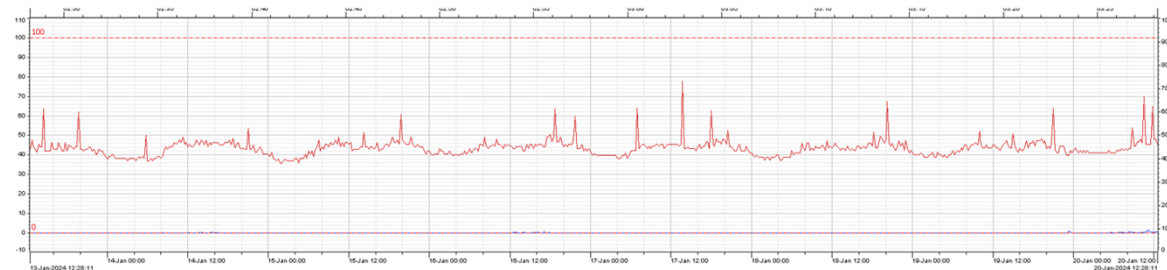


Figure 2 - normal trend for this asset during dry weather.

Condition: Operating techniques 2.3.1 (a) (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.

Action: Investigate and reline the telemetry (**completed 23/03/2024**)

Action: Cleanse the downstream sewer from the build-up of silt (**completed 23/03/2024**)

Non-compliance: Silt was removed downstream, which shows there was a blockage and

the camera had difficulties travelling up the pipe. This reduced capacity within the pipe and caused the asset to spill before it should have.

Condition: General Management 1.1.1 (a) 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

Action: Please provide NRW with a detailed maintenance schedule for this asset.

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

Observations

Photographs provided by the reporter showed gross rag present within the watercourse which had a visual impact and detriment to amenity. Given the aesthetic impact the rag and sewage litter had on the watercourse, we would welcome screening on this asset. This is something we will look to progress over the upcoming years.

The incident in question was brought to the Water Discharge Permit Compliance Group for peer review as requested by DCWW. Confirmation from Tracey Jones, the secretary of the group confirmed that *“the group’s decision to reject the claim has been recorded in the minutes.”*

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.