

Compliance Assessment Report CAR_NRW0045177

Permit being assessed: BC0016601

For: Trebanos Wastewater Treatment Works, held by DWR CYMRU CYFYNGEDIG

At: Pheasant Road, Trebanos, Pontardawe, Swansea, SA8 4BR.

Type of assessment carried out: Report/Data Review, Reason: Incident Response (Incident number: 2405248).

On 17/04/2024.

Parts of permit assessed: 2.3.2 (a)

NRW Lead Officer: Rhys Griffiths.

Report sent to: CARS Mailbox, CARS@dwrcymru.com, on 27/09/2024.

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	2.3.2 (a) - Operating techniques

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	Ensure that for a discharge to be considered as a storm event, rainfall must be greater than 4mm over the preceding 8 hours leading up an incident.	01/10/2024

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 April 2024, NRW received notification from DCWW upgrading a previously early warning report to a self-reported water pollution incident (WIRS 2405248) based on

their assessment of the environmental impact (sewage fungus growth) within the River Tawe, downstream from and as a consequence of their settled storm water discharge from Trebanos WWTW.

On the 19th April 2024 whilst conducting other duties in the Tawe catchment NRW Officers attended this incident, the discharge had ceased spilling two days earlier on 17/04/24, consequently, with there being no discharge NRW Officers collected video and photographic evidence of the impact on the watercourse. The prolonged operation of the settled storm discharge had resulted in sewage fungus growth on the riverbed, along the right-hand bank of the Tawe for approximately 100 - 150 metres downstream of the discharge point. The sewage fungus covered approximately 1 metre of the riverbed, in width, with the extent of the width diminishing as it continued downstream from the discharge point. The remaining width of the riverbed was free of fungus growth beyond the extent of the plume and upstream of the settled storm discharge point. For context and with regard of this water pollution incident, DCWW have confirmed that the settled storm discharge started spilling to the River Tawe on the 2nd April at 18:31p.m and stopped at 22:45 p.m. on the 17th April 2024, a period of 15 days in total.

In response to this pollution incident DCWW produced a Pollution Incident Storyboard and commissioned Ricardo to undertake a biological survey and water quality chemistry sampling of the River Tawe following the pollution incident (Ricardo report ref: ED 18382119 | Issue number 1 | Date 11/07/2024). Both were submitted to NRW. Following assessment of the Storyboard, NRW requested that DCWW provide NRW with EDM flow data for Trebanos WWTW for the period 12th to the 18th April 2024. Analysis of the data by NRW identified that there were two consecutive 24hr periods (13th to the 15th April 2024) within this data set, where less than 4mm of rainfall was recorded. However, the settled storm discharge had continued to the River Tawe during these 2 days. For clarity, when assessing permit compliance for instances such as this, NRW has previously referenced a study of Trebanos WWTW catchment, commissioned by Dŵr Cymru which, details a drain-down time in the WWTW catchment to be approximately 5.5 hours. NRW has further applied an allowance of up to 8 hours (~32% additional time). We have applied this methodology to ensure consistency with previous discussions and CARs issued in respect of this water discharge activity permit. **Therefore, the settled storm discharge was considered to be non-compliant between the aforementioned 2 day period (13th-15th April 2024).**

Non-compliance – The data provided by DCWW confirmed that there was insufficient rainfall (<4mm) for it to be considered as a storm event causing the settled storm discharge to occur.

Condition – 2.3.2 (a) Operating techniques - The discharge shall only occur when and only for as long as the flow passed forward is equal to or greater than the overflow setting indicated due to rainfall and/or snow melt.

Action – Ensure that for a discharge to be considered as a storm event, rainfall must be greater than 4mm over the preceding 8 hours leading up an incident.

ENDS

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.