

## Compliance Assessment Report CAR\_NRW0045687

**Permit being assessed:** BP0341501

For: Llannant WWTW Llannant Road Swansea Settled Storm, held by DWR CYMRU CYFYNGEDIG

At: Llanant WwTW, Llanant Rd, Gorseinon, Swansea, SA4 4GD.

**Type of assessment carried out:** Audit, Reason: Incident Response (Incident number: 2413012).

On 28/09/2024.

Parts of permit assessed: Operating Techniques, Notifications

**NRW Lead Officer:** Catherine Tucker, accompanied by: Sarah Bennett.

**Report sent to:** CARS@dwrcymru.com, CARS Mailbox, on 05/12/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-B3 - Water Quality - Operations - Operating techniques	C3 Minor	2.3 Operating techniques
WQ-D3 - Water Quality - Information - Notifications	Assessed (A)	

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

### 2. What action is required?

Criteria	Action needed	Complete by
WQ-B3	Please investigate the root cause of the malfunction and take all reasonable steps to prevent a re-occurrence	01/04/2025

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.

**At this time, we do not intend to take any further action.**

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 28<sup>th</sup> September 2024 you notified us via a Self-Report that the inlet screen tripped causing flows to back up and spill on site at Llannant WwTW. You told us that on reset/return to service, flows overwhelmed the inlet causing a spill to the storm tanks and a subsequent brief spill from the

storm tanks to environment on 27th and 28th September 2024. The Self-Report also reported that the screen had been reset and monitored and found to be running ok.

On the 25<sup>th</sup> October 2024 we requested further information in relation to the duration of the spill to the storm tanks as well as from the storm tanks. On the 12<sup>th</sup> November 2024 you provided the following additional information.

The telemetry showed that there was a spill to the storm tanks from 12:30pm on the 25<sup>th</sup> September. The storm tanks were already at full capacity (3.7m) and the levels had been rising since the 25<sup>th</sup> September during heavy rainfall and hadn't had the chance to return.

The telemetry also showed that there was a discharge from the storm tanks to the environment from 19:45pm-20:45pm on the evening of the 27<sup>th</sup> September and again from 13:50-14:20pm on the afternoon of the 28<sup>th</sup> September. A total duration of approximately 90 minutes combined within a 24 hour period.

I will be assessing compliance against the settled storm permit number BP0341501 dated 01/05/2020 as the self-report pre-dates the recent permit variation which consolidated the storm and final effluent permit on the 08/10/2024.

Compliance assessment with permit conditions:

## **2.3 Operating techniques**

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
- (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. The minimum off-line storm storage required is specified in table S3.3.
- (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. The minimum on-line storm storage required is specified in table S3.3.

As the spill to the storm tank and the discharge from the storm tanks occurred as a result of the inundation after the screens were turned back on as opposed to rainfall, I have assessed that you are not compliant with the permit conditions.

This non-compliance is in contravention 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.

**Action: Please investigate the root cause of the malfunction and take all reasonable steps to prevent a re-occurrence.**

## **4.3 Notifications**

4.3.1 Natural Resources Wales shall be notified as soon as reasonably practicable following detection, within the site of the regulated facility of any malfunction, breakdown or failure of

equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution. Any other significant adverse environmental effects, which may have been caused by the activity, shall also be notified to Natural Resources Wales as soon as reasonably practicable following detection.

I believe that you have complied with 4.3.1 as you notified us of the discharge promptly.

Please take the advice given in this report as formal Advice and Guidance intended to bring the discharge back into compliance with the Permit.

Thank you.

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](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.