

Compliance Assessment Report

Report ID:
CAR_NRW0034497

This form will report compliance with your permit as determined by an NRW officer

Site	CSO 104 NEWBRIDGE ROAD PUMPING STAT	Permit Ref	BB4025501		
Operator/Permit holder	DWR CYMRU CYFYNGEDIG				
Regime	WaterQuality				
Date of assessment	22/01/2019	Time in	N/A	Out	N/A
Assessment type	Audit				
Parts of the permit assessed	Outfall				
Lead officer's name	Jenkins, Hannah				
Accompanied by					
Recipient's name/position	Paul Kingdon/ Catchment Manager	Date issued	22/01/2019		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
A1 - Specified by permit	C3	5 (c), 6
	C3	5 (c), 6

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	8
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Compliance review following incident WIRS 1804887, NRW inspections of the site outfall and to address issues raised in the previous inspection report (CAR_NRW0033194).

Periodic inspections have been made of the outfall to the River Afan following the pollution incident in August 2018. All visits have revealed that substantial quantities of rag and sewage litter are discharging from the outfall on a regular basis. As raised previously, this is an historic issue at this site and appears to be the standard rather than an exceptional circumstance.

Several actions were set out in the previous inspection report some of which were addressed in an email response from Paul Kingdon, Catchment Manager on 10th May 2018. However, to date no further response has been received meaning that insufficient information has been provided by Dŵr Cymru to reach a satisfactory conclusion to the queries raised.

The actions requested previously:

1. Investigate a long-term solution to improve this asset and reduce the impact of the discharge on the environment. Provide an action plan and timeframe to NRW in which this will be undertaken.
2. Inspect and maintain the outfall more regularly. Confirm whether the review of the screening device was undertaken last year and provide a summary of this review and any additional action you intend to take following investigation of the issues raised.

Regarding a long-term solution, whilst it is appreciated that various departments of Dŵr Cymru may be involved in investigating the issues and providing a long-term solution for this asset, the requested action plan and timeframe has not been provided, therefore, this action is carried over, please provide the requested information by 28th February 2019.

In the short term, the proposal to install a macerator in the channel would not have allowed compliance with the permit BB4025501, therefore, we could not agree with such a proposal. This was discussed locally with operational staff and not pursued. However, the operational team committed to cleaning the screen and setting up a programme for inspection by the operator, cleaning as required. As stated above, the occasional checks of the outfall made by NRW have revealed that these measures are either ineffective or have not been actioned effectively to prevent an impact on the environment. The attached document of photographs shows the condition of the outfall at the times of inspection.

In the current condition, the discharge is still in breach of permit conditions 5 (a) and 6 which states: 5(c) - "The discharge shall have passed without prior comminution or maceration, through a screening device having apertures no greater than 6mm in more than two dimensions." 6 – "The overflow shall be maintained in an efficient operational condition". The breaches have been scored as a category 3 non-compliance and recorded on the compliance database.

We would welcome an effective solution and commitment from the company to address this issue in the short term. In addition, confirm whether the review of the screening device as committed to previously was undertaken in 2017 and provide a summary of this review. Please provide this by

the 28th February 2019.

Should further time be required to complete these actions please contact Hannah Jenkins, Environment Officer at Hannah.Jenkins@cyfoethnaturiolcymru.gov.uk.

Please note that if we do not receive the information requested within the time period stated above and have not been informed as to why there is a delay then we may serve a Regulation 60 Notice requiring the information under the Environmental Permitting (England and Wales) Regulations 2016.

EPR Compliance Assessment Report

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Operator/Permit holder	DWR CYMRU CYFYNGEDIG	Date	22/01/2019

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
A1	C3	Investigate a long-term solution to improve this asset and reduce the impact of the discharge on the environment. Provide an action plan and timeframe to NRW in which this will be undertaken.	28/02/2019
A1	C3	Provide a solution and commitment to address this issue in the short term. In addition confirm whether the review of the screening device was undertaken in 2017 and provide a summary of this review.	28/02/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.