

Compliance Assessment Report

Report ID:
CAR_NRW0035749

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

Site	BONTGOCH WTW		Permit Ref	CG0046001	
Operator/Permit holder	DWR CYMRU CYFYNGEDIG				
Regime	WaterQuality				
Date of assessment	09/07/2019	Time in	N/A	Out	N/A
Assessment type	Site Inspection				
Parts of the permit assessed	See criteria listed below				
Lead officer's name	Goddard, Jeremy				
Accompanied by					
Recipient's name/position	OSM Mailbox/ OSM Mailbox	Date issued	04/11/2019		

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
E3 - Emissions - Surface water	C3	1. (a) and 8. (iii)

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	1	Total compliance score (see section 5 for scoring scheme)	4
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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

At 21:14 hours on 09/07/2019 Natural Resources Wales received a Self-reporting WATPOL from the Dwr Cymru SmartHub stating the following:

BRIEF DESCRIPTION OF INCIDENT:

Due to operational issues at Bontgoch WTW there was a discharge of effluent outside of consented parameter for iron to the local watercourse. This occurred at 16:00 and by 18:00 the discharge has ceased as flows were diverted. Photographs available.

DETAILS OF ACTION TAKEN / PLANNED:

Discharge was ceased immediately and tankering arranged.

On acquiring additional information from the Dwr Cymru Process Scientist involved and reviewing the incident details supplied it transpired that there were significant delays in checking the receiving watercourse for pollution and notifying Natural Resources Wales of an actual pollution incident via a WATPOL.

Abbreviated Timeline:

09/07/2019

12:30 hours - A high level alarm for turbidity and waste plant shutdown. Operator responded to high level alarm immediately.

15:00 hours - Waste plant restarted.

15:50 hours - Operator noticed a discoloured discharge to the Afon Leri. Informed process science, took sample, pumps switched off and discharge stopped

(watercourse checked for impact 3 hours 20 minutes after the operator knew there was a problem with turbidity on site).

16:00 hours - Manual sample of discharge confirming total iron result of 20mg/l (permit limit according to condition 8. (iii) of the permit is 10mg/l).

16:35 hours - Process Science inform Natural Resources Wales via an early warning even though a discoloured discharge to the Afon Leri was observed by the operator at 15:50 hours.

21:14 hours - Self Reported WATPOL sent to Natural Resources Wales confirming actual pollution

(This was 8 hours 45 minutes after the site had alarmed for high turbidity and 5 hours 24 minutes after the operator had observed a discoloured discharge entering the Afon Leri).

It is our opinion that the delay in notifying Natural Resources Wales hindered our ability to make a full and timely assessment of this incident. The delay in notifying Natural Resources Wales by submitting an early

WATPOL meant that the report was not logged as a pollution incident until 21:42 hours when the impact on the receiving watercourse, in this case the Afon Leri had likely been and gone. The WATPOL (as detailed above) is also brief and appears to underplay the impact on the watercourse.

The downstream impact of this incident was also not assessed fully due to a drop in the watercourse and the land being private property. Again the lack of an early notification prevented Natural Resources Wales from having the opportunity to attend this incident during the early stages and making a full assessment of the actual impact. It also prevented Natural Resources Wales officers having the opportunity to help Dwr Cymru staff mitigate any potential impact on the receiving watercourse and downstream users.

It is possible that the impact of the watercourse (as shown by the water discoloration in Photo 1 below, which was supplied by Dwr Cymru) could have stretched much further downstream than identified.



Photo 1: Watercourse discoloured downstream of discharge point (photo supplied by Dwr Cymru).

Based on the limited information provided a CCS category 3 non-compliance has been assessed on the following permit conditions:

1. (a) The discharge shall not contain any poisonous, noxious or polluting matter or solid waste matter.

The total iron value of 20 mg/l was double the maximum permitted value of 10 mg/l.

8. The Discharge shall not contain more than:

(iii) 10 milligrams per litre of total iron.

The total iron value of 20 mg/l was double the maximum permitted value of 10 mg/l.

ACTION: Please detail how you will ensure that if a similar event occurs again in the future that there will be no delay in assessing impact to the receiving watercourse and notifying Natural Resources Wales of actual pollution via a WATPOL as a matter of priority. Due Date: 29/11/2019

Can any response be sent to the following email address:
jeremy.goddard@cyfoethnaturiolcymru.gov.uk

We will also be sending Dwr Cymru Cyf a warning letter for the permit non-compliance and the confirmed

impact on the watercourse.

ENDS

EPR Compliance Assessment Report

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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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
E3	C3	Please detail how you will ensure that if a similar event occurs again in the future that there will be no delay in assessing impact to the receiving watercourse and notifying Natural Resources Wales of actual pollution via a WATPOL as a matter of priority.	29/11/2019

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.