

Compliance Assessment Report

Report ID:
CAR_NRW0033690

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

Site	FFOREST GOCH STW BRYNCOCH NEATH	Permit Ref	BA2026901			
Operator/Permit holder	DWR CYMRU CYFYNGEDIG					
Regime	WaterQuality					
Date of assessment	12/06/2018	Time in	14:00	Out	16:30	
Assessment type	Site Inspection					
Parts of the permit assessed	Discharge					
Lead officer's name	Caughlin, Owen					
Accompanied by						
Recipient's name/position	Paul Kingdon/ Catchment Manager	Date issued	01/03/2019			

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	Condition 3
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

12/06/2018

BA2026901

While walking the River Clydach in Fforest Goch, Neath, officers noticed a significant growth of sewage fungus on the river bed. This was traced approximately fifty metres upstream to the discharge headwall of Fforest Goch WWTW. Above the discharge the river was observed to be visually free of pollution.

Initial observations of the works suggested that the distribution arms were not functioning, and it appeared that the filter bed had dried out. Upon entering the site with Mike Jones (Ops Supervisor Swansea Bay) it was confirmed that the arms were functioning. However, the influent flow to the works was not enough to sustain effective operation of the works.

An officer took samples of the resulting poor quality final effluent as well as supplementary samples both upstream and downstream of the discharge. One of the bipartite evidence samples of the discharge from the works was issued to Mike Jones as a representative of Dŵr Cymru as per the Natural Resources Wales evidence sampling procedure.

The samples taken by NRW have since been analysed and showed the following results:

Determinand (mg/l)	Final Effluent		Upstream	Downstream
BOD	91.5	3		9.58
Ammonia	29.6	0.03		0.47
TSS	59	3		90

The permit for the water discharge from this site is descriptive, therefore does not have numeric limits.. However, in combination with the officers' observations and photographs taken on site they do demonstrate a significant polluting discharge, and breaches the descriptive condition, namely condition 3 which stipulates:

'As far as is reasonably practicable, the works shall be operated so as to prevent:

- Any matter being present in the effluent which will cause the receiving water to be poisonous or injurious to fish or to their spawn or spawning grounds or food or otherwise cause damage to the ecology of the receiving waters; and
- The treated effluent from having any adverse visual and other environmental impact.'

This will be scored as a category 3 breach against condition 3 of the permit and has also been recorded as a 'low level' pollution incident against the works, WIRS reference: 1803306.

A further point to note is that due to the prolonged period of dry weather, the rivers of this patch are flowing at a much lower level that would be considered normal. This means that the impact of any water discharge is exacerbated due to a lack of dilution.

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Remedial Action

While on site Mike Jones agreed that Dŵr Cymru would consider their options for operating the works during this problematic period. Options proposed included:

- Tankering away all flows
- Recirculating flows on site to improve final effluent quality
- Using additives to improve effluent quality

A plan with timescales of how Dŵr Cymru intend to manage this issue immediately and in the long term should be provided to Natural Resources Wales by 03/08/18

To discuss any of the issues raised in this CAR form or the resulting actions, please contact Owen Caughlin (Environment Officer) via email

owen.caughlin@cyfoethnaturiolcymru.gov.uk or on 03000 65 3214.

ENDS.

EPR Compliance Assessment Report

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Operator/Permit holder	DWR CYMRU CYFYNGEDIG	Date	12/06/2018

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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	A plan with timescales of how Dŵr Cymru intend to manage this issue in the long term should be provided to Natural Resources Wales by 18/08/19.	18/03/2019

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.