

Compliance Assessment Report

Report ID:
CAR_NRW0034916

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

Site	Deri, Darran Valley CSO	Permit Ref	AB3397HZ		
Operator/Permit holder	Dwr Cymru Gowerton				
Regime	WaterQuality				
Date of assessment	19/12/2018	Time in	N/A	Out	N/A
Assessment type	Audit				
Parts of the permit assessed	ALL				
Lead officer's name	Healan, Maria				
Accompanied by					
Recipient's name/position	osm@dwrcymru.com/ DCWW Operative	Date issued	03/04/2019		

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
B1 - Infrastructure - Engineering for prevention and control of emissions	C3	Condition 2.3 & Table 3.3
E3 - Emissions - Surface water	C3	Condition 2.2.1

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

WIRS 1807879 self-reported by DCWW about a water discharge to land and water, namely the Nant Bargoed stream, on 19th December 2018. The spill was from a chamber on the foul line further downstream from the CSO asset - permit ref: EPR-AB3397HZ, but the root cause of the spill was deemed to be incorrect settings on the flow of water within the CSO infrastructure.

19/12/2018 – Chamber located opposite the property in Deri, Bargoed has been observed as discharging.

Dilute discharge following heavy rainfall over previous 24hrs. Recent conversation held in the quarterly DCWW / NRW meeting as amendment on CSO penstock request being made. There are no blockages found. Site to be monitored.

21/12/2018 - Straw bales and fencing installed yesterday morning (20/12/2018). These will stay in place for the interim to ensure any discharge is filtered. Site has been visited today and will now be monitored.

Site has been monitored over the winter period and minor clean up made on the 14th February. Fencing and bales will be removed in March. Details have been shared with NRW as aware of location and scheme here. Discharge was dilute and contained/filtered at times of prolonged heavy rainfall over winter months.

Historically there has been several pollution incidents at this exact location, which has caused amenity issues for local residents. Much work was completed by NRW & DCWW to address this matter. The solution was to construct a new CSO to manage the hydraulic overload issues being experienced and prevent pollution to land and water, regularly used by the public.

The infrastructure was installed in Jan 2017 and the permit was operational in June 2017. It is only recently that NRW have been made aware that there is an issue with the settings of the penstock in the CSO infrastructure. DCWW have stated that they intend to apply to vary the permit to reduce the PFF, although this will result in more frequent permitted spills. The application to vary the permit needs to be progressed asap.

NRW are likely to require a report of the spill frequency from the permitted discharge point to assist with processing a variation application. Please gather this information ready to submit with the application.

EPR Compliance Assessment Report

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Operator/Permit holder	Dwr Cymru Gowerton	Date	19/12/2018

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.

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	Remedial action completed - straw bales, cordoned off area.	03/06/2019
B1	C3	Apply to vary permit to reduce PFF further to discussions with NRW Permitting officers	03/06/2019

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.