

Compliance Assessment Report

Report ID:
CAR_NRW0036347

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

Site	PENY BONT SEWAGE TREATMENT WORKS	Permit Ref	BB3006701		
Operator/Permit holder	DWR CYMRU CYFYNGEDIG				
Regime	WaterQuality				
Date of assessment	01/02/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Conditions relating to UV treatment				
Lead officer's name	Jenkins, Hannah				
Accompanied by					
Recipient's name/position	Rob Jenkins / Process Scientist	Date issued	17/02/2020		

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	1 (b)

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

Compliance report to record regulatory decision against permit BB3006701 for Penybont Wastewater treatment works final effluent discharge following the incident on 1st February 2019 resulting in a loss of UV treatment following maintenance work on site.

An 'exceptional circumstances' report submitted to NRW on 1st April 2019 detailed circumstances of the incident, following DCWW investigation. This report was reviewed along with additional information sought by the officer detailed in email correspondence held on file. The situation was not deemed to fall within the 'exceptional circumstances' criteria of being unforeseeable and not due to the actions taken by Dŵr Cymru or its agents. Consequently the claim was not upheld and this has been considered to be a breach of permit conditions.

The primary reason for the loss of UV treatment over a several hours was a breakdown in communication between Dŵr Cymru staff and contractors following planned maintenance of the 'PLC'. Although there were capital projects being delivered on site therefore it was busy and there were multiple alarms, it is clear that the handover procedure between parties was inadequate at the time of the incident, in addition the PLC was known to be problematic, so it would be expected that the operation of the UV plant be checked following maintenance work. Whilst it is an unfortunate occurrence, it was not caused by an emergency and is not outside the control of Dŵr Cymru. As permit holders it is expected that Dŵr Cymru are ultimately responsible for meeting the permit and need to manage the risks of non-compliance through your operation accordingly.

This has been recorded as a C3 non-compliance against condition 1 (d) of permit BB3006701.

We would like to acknowledge the prompt resolution of the issue by the Smart hub operative and standby Operator and your commitment to reviewing internal procedures following events on 1st February 2019. However the UVNot submitted to NRW could have been clearer as to what had occurred or certainly followed up by operational staff when the circumstances became clear. A self-reported incident was raised retrospectively (Ref: WIRS 1902645) following confirmation of loss of dose in line with NRW policy, it was not clear from the UVNot that there had been a loss of UV treatment, hence the delay in logging the incident. This was categorised as an 'event' equivalent to a Category 4 incident in line with NRW guidance.

EPR Compliance Assessment Report

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Operator/Permit holder	DWR CYMRU CYFYNGEDIG	Date	01/02/2019

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.

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	No additional action, to that already taken.	28/02/2020

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.