

Compliance Assessment Report CAR_NRW0039981

Permit being assessed: AN0316901

For: FORMER BUTLINS HOLIDAY CAMP FRIARS, held by DWR CYMRU CYFYNGEDIG
At: FORMER BUTLINS HOLIDAY CAMP, FRIARS ROAD, BARRY ISLAND, BARRY VALE OF GLAMORGAN, CF62 5TN.

Type of assessment carried out: Report/Data Review, Reason: Incident Response (Incident number: 2106780).

On 28/04/2022.

Parts of permit assessed: Conditions 1 & 2

NRW Lead Officer: Adam Evans.

Report sent to: Steve Churches , Wastewater Treatment Catchment Manager , on 01/06/2022.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-B1 - Operations - Permitted activities	Action only (X)	

Result types are explained in more detail in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
WQ-B1	Please provide the site's backup float level data for the following dates: 02/08/2021 to 05/08/2021 (refer to actions list in main text).	01/07/2022

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

On Wednesday 4th August 2021, NRW took a bathing water sample at Jackson's Bay, Barry, where the sample tested 1200 c/100ml for confirmed Intestinal Enterococci (IE) and 220c/ml for E.coli. This resulted in a high bathing water sample exceedance for IE and E.coli for that sample (WIRS: 2106780).

Following the exceedance, NRW began investigating potential causes and requested EDM data from all DCWW assets, that could have influenced the sample. This data was submitted for review on 13/09/2021.

When analysing the data, it was noted that there was a flat line followed by an erratic pattern, recorded from Nells Point SPS, appearing to indicate a spill. On 09/03/2022, NRW formally responded to DCWW regarding the EDM data, in CAR_NRW0039448. DCWW responded to that CAR Form via email on 31/03/2022.

Please see below, the response by DCWW (31/03/2022) to the action list in CAR_NRW0039448 (*seen in italics*):

1. Evidence that the asset did not spill between the 3rd and 4th August 2021 (when the level controller was faulty i.e. photos or further data). *We do not have photographic evidence of the asset not in spill as we don't tend to gather evidence when there is no issue or incident to capture. The asset has a backup system in the event of failure to level controller which is in the form of a float switch. This will operate when the level rises to control pump operation. So technically the asset was still fully operational however without data trending.*
2. Evidence that the asset did not spill during the level spikes on 4th August 2021 (i.e. photos or further data). *The spike shown on graphs can be discounted as false, as previously mentioned during install the level controller can read outside of parameters (+&- readings) and especially during simulation mode to ensure instrument is fully calibrated.*
3. A copy of any report(s) or investigation(s) regarding the sensor replacement and the data pattern. *Copy of the SAP work order below.*
4. An explanation as to why the wet well was pumped down if the levels were deemed normal. *The wet well was pumped down below its normal stop levels as a matter of course and visually check control systems in manual. After evaluating the level data and performance of this asset as it's a foul only flow Pumping station we can estimate rate of rise of the asset. The rise of 0.4metres takes approximately 8 hours so potentially there is storage capacity before spilling of > 66 hours, plus the operation of the backup system to control pumps would avoid any undesired spills in the event of instrumentation loss at the asset.*

NRW noted a lack of evidence supporting the response provided by DCWW, to actions in CAR_NRW0039448. This was later discussed in a meeting between DCWW and NRW, on 28/04/2022. In the meeting, it was decided that NRW would request the backup float level data (mentioned in response to action 1 of previous CAR Form). This will hopefully provide clarity on the EDM data, where there was a sensor failure, resulting in a flat line followed by an erratic pattern. Therefore, please see action below:

ACTION:

- Please provide the site's backup float level data for the following dates: **02/08/2021 to**

05/08/2021.

Deadline for action: 01/07/2022.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm to the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend non-compliance for up to six months to allow time for remedial action to be taken. These will be re-instated if the action is not completed.

Full list of water quality action criteria (used in section 1 and 2):**WQ A: Management**

- WQ-A1 General management

WQ B: Operations

- WQ-B1 Permitted activities
- WQ-B2 The site
- WQ-B3 Operating techniques
- WQ-B4 Improvement programme
- WQ-B5 Pre-operational conditions

WQ C: Emissions and monitoring

- WQ-C1 Emissions to water
- WQ-C2 Emissions to land
- WQ-C3 Emissions of substances not controlled by emission limits
- WQ-C4 Installation of monitoring boreholes

WQ D: Information

- WQ-D1 Records
- WQ-D2 Reporting
- WQ-D3 Notifications

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be

added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.