

Compliance Assessment Report CAR_NRW0042447

Permit being assessed: AN0060501

For: Barry Town SPS (CSO to Harbour), held by DWR CYMRU CYFYNGEDIG

At: Harbour Road, Barry, Vale of Glamorgan, CF62 5TP.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number: 2203416).

On 11/05/2022, between 12:50 and 13:30.

Parts of permit assessed: Conditions 1 to 4

NRW Lead Officer: Adam Evans.

Report sent to: Steve Churches , Wastewater Treatment Catchment Manager, on 19/09/2023.

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	C3 Minor	2.2.1: The discharge activities shall take place at the discharge point marked on the site plan at schedule 7 to this permit, and as listed in table S3.2; and the operating techniques that are the subject of conditions prefixed by 2.3, shall be applied at the location shown, or otherwise described, in schedule 7.
WQ-B1 - Operations - Permitted activities	C3 Minor	4.3.1: Natural Resources Wales shall be notified as soon as reasonably practicable following detection, within the site of the regulated facility of any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		which has caused, is causing or may cause significant pollution. Any other significant adverse environmental effects, which may have been caused by the activity, shall also be notified to Natural Resources Wales as soon as reasonably practicable following detection.

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	See action list in main body.	24/11/2023
WQ-B1	See action list in main body.	24/11/2023

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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

Self-Report from DCWW:

On 11/05/2022 at 11:25, NRW's Incident Communications Centre received the following notification from DCWW's Martyn Canniff (WIRS: 2203416).

"SRW SAP REF : 316171631
 Barry West Sps, .. St1090066800.
 We are currently experiencing operational issues with the Supplementary Generator supply at Barry West SPS. As a result, the Emergency Penstock (EP2) that protects the asset from flooding did activate for a brief period, and we can confirm the manhole in harbour Road has discharged and the CSO in harbour Road has operated for a short period of time. We have Operational and Instrumentation staff in attendance to work through and resolve any

operational issues that we have at site and will continue to monitor the situation and keep you updated as we progress. If further information is required, please give Steve Churches a call on 07920799154."

NRW's Incident Response:

In response to the notification, NRW sent Environment Officer, Edward Davies, to the site to assess the potential environmental damage caused by the discharge event. Edward Davies arrived on site at 12:50 and confirmed there were no active discharges (from the CSO or the manhole) taking place at the time of his visit. Edward Davies took photographs of the event and left site at 13:30, once satisfied there was no active pollution taking place. The incident was then handed over to former Environment Officer, Adam Evans, for a compliance assessment in accordance with the site's permit AN0060501.

NRW's Compliance Assessment:

During the investigation, spill data from Harbour Road CSO (also known as Barry Town CSO) was requested, along with an explanation for the incident. It was confirmed that Harbour Road CSO spilled for a total 14 minutes onto the foreshore. The spill was caused by a loss of power being generated by the site's supplementary power generators. This event was deemed complaint with emergency conditions of the permit: *An emergency shall be defined as the period when the sewage pumping station is inoperative as a result of one or more of the following, which is not due to the act or default of the operator, its agents, representatives, officers, employees or servants:*

- **Electrical power failure.**
- *Mechanical breakdown of duty and standby pumps.*
- *Rising main failure.*
- *Blockage of the downstream sewer.*

During the event, there was also a second simultaneous spill from a manhole upstream as back pressure built, caused by the closure of the EP2 valve at Barry West SPS, as the site went into emergency conditions. This discharge initially spilled onto the road, then into a surface water drain, which spilled onto the foreshore. **This discharge was directly caused by activities at Barry West and will be scored as a Category 3 non-compliance, against permit condition 2.2.1:** *The discharge activities shall take place at the discharge point marked on the site plan at schedule 7 to this permit, and as listed in table S3.2; and the operating techniques that are the subject of conditions prefixed by 2.3, shall be applied at the location shown, or otherwise described, in schedule 7.*

The generator maintenance records requested from DCWW after the event showed that Standby Generator 3 was off service with a coolant leak, following an internal inspection by DCWW on 09/05/2022. **This was not reported to NRW prior or post incident, therefore resulting in a Category 3 non-compliance of permit condition 4.3.1:** *Natural Resources Wales shall be notified as soon as reasonably practicable following detection, within the site of the regulated facility of any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution. Any other significant adverse environmental effects, which may have been caused by the activity, shall also be notified to Natural*

Resources Wales as soon as reasonably practicable following detection.

During the investigation, DCWW confirmed the following: *The current supplementary power generators at Barry Town are causing a risk of pumps not operating when required at the station. My colleagues who deal with the pumping stations have changed set points so that the generators get up and running before the short sea outfall pumps need to operate, reducing the risk of the network backing up and the emergency penstock closing to protect the site.*

The long-term goal for the asset is to upgrade the power supply at the station, but this is not a quick fix and is being put forward to the business by the Above Ground Assets team.

*There will always be a risk of spilling from Harbour Road CSO should we get issues at the SPS and we are currently doing everything we can to reduce the risk as much as possible before permanent solutions are put in place. On the day of the spill in question, we carried out a clean-up of the outfall area that afternoon. Look at our telemetry system, the spill lasted around 20 minutes or so. **Please see action list below, to answer NRW's queries regarding the above.***

Action List:

ACTION 1: DCWW to confirm when standby generator 3 was back online?

ACTION 2: DCWW to produce an action plan outlining what can be/has been done to safeguard the issue reoccurring.

ACTION 3: DCWW to confirm the site's arrangements regarding generator power supply - are there **both** supplementary and standby generators or are the generators used as dual purpose?

ACTION 4: DCWW to ensure that any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution, are reported to NRW as soon as reasonably practicable.

Please complete all above actions by 24/11/2023.

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.