

## Compliance Assessment Report CAR\_NRW0043349

**Permit being assessed:** AB0067101

For: NASH STW WEST NASH ROAD NEWPORT, held by DWR CYMRU CYFYNGEDIG

At: NASH STW, WEST NASH ROAD, NASH NEWPORT, , , .

**Type of assessment carried out:** Report/Data Review, Reason: Incident Response  
(Incident number: 2308107).

On 19/10/2023.

Parts of permit assessed: Inlet

**NRW Lead Officer:** Gavin Dodd.

**Report sent to:** John Bowd, Catchment Performance Manager, on 07/02/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-B2 - Operations - The site	C2 Significant	12. The works shall be operated and maintained in accordance with good operation practice such that: a) it remains fully operational except at times of unavoidable mechanical or electrical breakdown which shall be attended to and the agency informed of the failure as soon as practicable after the failure
WQ-C1 - Emissions and monitoring - Emissions to water	C2 Significant	2. The discharge shall be made in the manner and at the place specified as: c) at NGR ST33458411 and d) shown marked consent point

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

### 2. What action is required?

Criteria	Action needed	Complete by
WQ-B2	Install new generators for the inlet	01/03/2024
WQ-C1	Investigate reasons for dual supply failure	Already

Criteria	Action needed	Complete by
		completed

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

On 19/10/23, NRW received a Watpol regarding sewage flooding to Stephenson Street. This sewage was found to have resulted from an issue with an inlet at Nash WWTW, which had spilled with surcharge and entered Julian's Reen.

The latest update from DCWW for the incident:

*"Update 22/10/2023 @ 10:27*

- No issues overnight with inlet pumps. 5 pumps operational with mitigation pump for support.*
- Second generator installed to assist pumps if required.*
- Repairs to inlet chamber wall are progressing and will be completed today.*
- 24/7 monitoring will continue."*

#### **Breaches of permit condition as a result of the incident:**

- Condition 2:** The discharge shall be made in the manner and at the place specified as: c) at NGR ST3345 8411 and d) shown marked consent point.

**Justification** - Due to the power failure all flow to the inlet discharged unscreened and untreated sewage into St Julians Reen outside of the consented point.

- Condition 12:** The works shall be operated and maintained in accordance with good operational practice such that: a) it remains fully operational except at times of unavoidable mechanical or electrical breakdown which shall be attended to and the agency informed of the failure as soon as practicable after the failure.

**Justification** - This incident was wholly foreseeable with no resilience of the electrical

supply to the works - no uninterruptible power supply in place, no back up generators and no dual supply was in place as specified in Nash Operator Manuals. All pumps connected to same supply and no earth fault protection on the ACB pumps.

**Action required by dates specified:**

- This CAR form is the second which has been issued for the same type of incident. NRW must be informed when the installation of the ACB pumps and earth fault protection has been completed.
- Back up generators must be on site until the long term solution has been finalised. Timescales must be provided as soon as possible.

**Deadline for the above actions:**

**Contact details:**

If you have any queries regarding this CAR form or to provide an update on any actions above, please contact me using the following details: Gavin Dodd, Environment Officer, [gavin.dodd@cyfoethnaturiolcymru.gov.uk](mailto:gavin.dodd@cyfoethnaturiolcymru.gov.uk), 07929 749861

**If we do not receive the information requested within specified deadline and have not been informed as to why there is a delay then we may serve a Regulation 60 Notice requiring the information under Environmental Permitting (England and Wales) Regulations 2016.**

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](mailto: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](mailto: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.