

Compliance Assessment Report CAR_NRW0044097

Permit being assessed: BB3798HP

For: Weycock Cross SPS, held by DWR CYMRU CYFYNGEDIG

At: Weycock Road, CF62 3AA.

Type of assessment carried out: Audit, Reason: Incident Response (Incident number: 2305767).

On 23/07/2023.

Parts of permit assessed: Conditions 2.1.1, 2.3.1 & 3.2.1

NRW Lead Officer: Charlotte Rhodes.

Report sent to: DCWW CARS Mailbox, DCWW CARS Mailbox, on 23/04/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-B1 - Water Quality - Operations - Permitted activities	Assessed (A)	
WQ-B3 - Water Quality - Operations - Operating techniques	C3 Minor	2.3.1
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	C3 Minor	3.2.1

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

2. What action is required?

Criteria	Action needed	Complete by
WQ-B3	(1) Improve communications between National Grid and DCWW regarding power outage notifications and expected reconnection times to manage the associated environmental risk more effectively. (2) Consider keeping temporary generators at sites with known susceptibility to power outages, especially those in close proximity to Bathing Waters such as this.	Already completed
WQ-C1	Maintaining outfall access is the responsibility of the asset holder and is not an acceptable reason for neglecting to monitor discharge from the site. Ensure overgrowth is managed appropriately going forward.	Already 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.

At this time, we do not intend to take any further action.

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**Incident details**

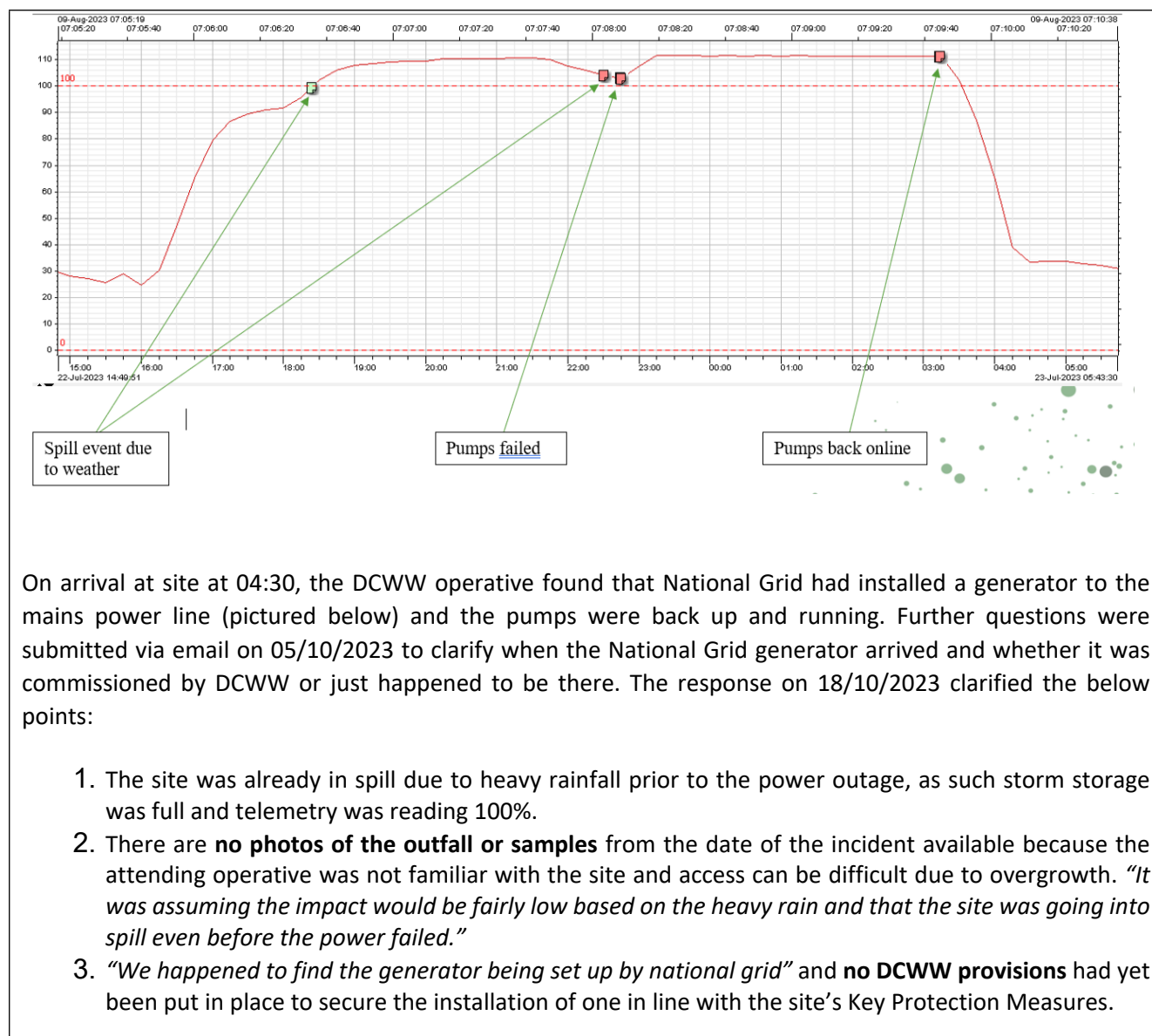
On 23rd July 2023 at 00:55 an Self-Reporting WATPOL was received from Dŵr Cymru (DCWW) stating that there had been a power outage to Weycock Cross Sewage Pumping Station (SPS) which had triggered a notification that the asset was in spill; as such an operator was en route to site to investigate. This asset discharges to the River Weycock when in spill. The weather at the time was light rain but there had been heavy rain during the previous day - using the nearest rain gauge at Cog Moors Sewage Treatment Works.

An update was received at 05:20 saying that *"The powers been restored and site is fully operational"*. Subsequently an incident storyboard was received on 09/08/2023 along with a Third Party [incident] Claim, summarising the events as follows:

"The asset was already in spill from 18:20 prior to the power failure, due to the heavy and prolonged rainfall in the area. At 22:57 the power outage occurred and FPF from the station ceased. Power was restored around 03:13, pumps restarted, and spill then stopped by 03:27. The duration of the spill during which we were not passing forward any flow was around 4hrs15mins. It is difficult to say how much sooner the spill would have stopped without the power failure but given that the spill stopped quickly after power and pumped flow was restored it has certainly extended the duration of the original storm discharge."

Communication was made to National Grid on the night, and we were advised that power should be back on by 01:30. Because of this short power outage period, we did not request tankers or a generator to site as power should have been back on by the time they arrived. National Grid extended the power outage to 4am."

Not mentioned in the incident summary is that because flow was not being passed forward, the **volume** of discharge is also increased, not just the duration, which is likely to have exacerbated the impact on the receiving watercourse. Telemetry was included detailing the weather-related spill time followed by the power outage impact, as below. However, no photos of the outfall/watercourse or ammonia samples were taken because the attending operative was not familiar with the site and access can reportedly be difficult due to overgrowth.





Permit context

Condition 2.1.1 – *The only activities authorised by the permit are the activities specified in schedule 1 table S1.1.*

Table S1.1 Activities

Activity reference	Description of activity	Limits of specified activity
A1	Discharge of storm sewage via Outlet 1	N/A
A2	Discharge of sewage in emergency via Outlet 1	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.

Condition 2.3.1 – *For the activity A2 referenced in schedule 1, table S1.1 The activity shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by NRW.*

Table S1.2 Operating techniques

Activity reference	Description of documentation	Parts	Date Received
A2	Pumping station key protection measures	All	30/04/2020

In the **Pumping Station Emergency Discharge Key Protection Measures**, there is a standby power provision, as below:

Standby power provision:	Mobile generator point. Install and operate a mobile generator as soon as is reasonably practicable in the event of an electrical failure	Mobile generator connection point provided within the new MCC kiosk, dedicated offload location.
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Condition 3.2.1 - The operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring specified in the following tables in schedule 3 to this permit: (a) point source emissions specified in tables S3.1 and S3.4.

Table S3.4 Monitoring points

Effluent and discharge point	Monitoring type	Monitoring point NGR	Monitoring point reference
A1 Sewage in emergency via Outlet 1	Event duration monitoring	ST 09162 69570	EDM
A2 Sewage in an emergency via Outlet 1	Emergency Overflow Effluent sampling	ST 09162 69570	EDM

Bearing the above permit stipulations in mind, and the information presented in the storyboard and via email we determine that whilst the spill **was permitted** during an emergency in line with **Condition 2.1.1**, the Key Protection Measures were not adhered to such that a mobile generator was not installed.

Although we accept the initial decision that doing so would not have been possible before the original time given by National Grid, between the hours of 01:30 and 04:30 when the site was offline for an extended period, a generator should have been deployed by DCWW when notified and is thus **non-compliant** with **Condition 2.3.1**. We acknowledge and have accepted the Third Party Claim for the cause of this incident and that it is considered low impact due to the heavy rainfall, however recommend that communications are improved between National Grid and DCWW to safeguard future similar incidents.

We also consider that failing to undertake sampling during an emergency (as defined by Condition 2.1.1, table S1.1, A2) constitutes a **non-compliance** with **Condition 3.2.1, table S3.4**.

Advisory comments (marked as "already completed" actions)

1. Improve communications between National Grid and DCWW regarding power outage notifications and expected reconnection times to manage the associated environmental risk more effectively.
2. Consider keeping temporary generators at sites with known susceptibility to power outages, especially those in close proximity to Bathing Waters such as this.
3. Maintaining outfall access is the responsibility of the asset holder and is not an acceptable reason

for neglecting to monitor discharge from the site. Ensure overgrowth is managed appropriately going forward.

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.