

## Compliance Assessment Report CAR\_NRW0045512

**Permit being assessed:** BE0022301

For: CASWELL BAY CAR PARK SPS CASWELL, held by DWR CYMRU CYFYNGEDIG  
At: SEWAGE PUMPING STATION, CASWELL BAY CAR PARK, CASWELL, SWANSEA, .

**Type of assessment carried out:** Unknown, Reason: Incident Response (Incident number: 2413621).

On 25/10/2024.

Parts of permit assessed: Nature & Telemetry

**NRW Lead Officer:** Sarah Bennett.

**Report sent to:** CARS@dwr.cymru.gov, CARS Mailbox, on 03/12/2024.

### 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	C2 Significant	The Discharge shall only occur when the sewage pumping station is inoperative as a result of one or more of the following: (i) electrical power failure not due to the act or default of the Consent Holder, its agents, representatives, officers, employees or servants; (ii) mechanical breakdown of duty and standby pumps; (iii) rising main failure; (iv) blockage of the downstream sewer not due to the act or default of the consent holder, its agents, representatives, officers, employees or servants; and it is not reasonably practicable to dispose of the sewage otherwise.
WQ-D3 - Water Quality - Information - Notifications	Assessed (A)	

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	Take action to minimise the risk of the same thing happening again in the future.	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.

### **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 the 18th October at 14:51 you informed us via an OPNOT that the pumps at Caswell Sewage Pumping Station were not pumping and an engineer was on their way to the SPS to investigate.

Later, at 17:33, you self-report a pollution incident and informed us that operations had attended site and got the pumps running but there had been a spill lasting for approximately 45 minutes. The incident time was given as 15:00.

My understanding is that the pumps had become airlocked following wet well cleansing carried out by one of your contractors. You have informed us that at Caswell PS the contractor should notify you prior to cleansing the well so that you can be in attendance to ensure the pumps are running as expected after the work is carried out. On this occasion, you were not notified and, following receipt of an alarm, you had to attend site and bleed the pumps before they returned to full service.

You have informed us that, since this event, you have replaced the breather valves on the pumps to try and minimise the risk of air locking and you have also reminded the contractor to notify DCWW operations when they are due to attend site.

A permit is in place to discharge sewage in an emergency from Caswell SPS. However, I do not believe this discharge was compliant with condition 2 (Nature) of the permit as follows:

The Discharge shall only occur when the sewage pumping station is inoperative as a result of one or more of the following:

- (i) electrical power failure not due to the act or default of the Consent Holder, its agents, representatives, officers, employees or servants;
- (ii) mechanical breakdown of duty and standby pumps;

- (iii) rising main failure;
- (iv) blockage of the downstream sewer not due to the act or default of the consent holder, its agents, representatives, officers, employees or servants;

and it is not reasonably practicable to dispose of the sewage otherwise.

This breach is in contravention of Regulation 38 (2) of the Environmental Permitting (England and Wales) Regulations 2016 which states that it is an offence for a person to fail to comply with or to contravene an environmental permit condition.

I have categorised this non-compliance as C2 – Significant which is described as having the potential to have a significant impact or effect on the environment, people and/or property. My justification for this is that it is reasonably foreseeable that an emergency discharge from a pumping station to the top of the beach at Caswell Bay could result in the cancellation of organised recreational activities due to concerns about water quality, for example the cancellation of a surf school session.

You have received a Warning for this non-compliance.

I have also assessed compliance with condition 8(b) and found you to be compliant with this condition. Condition 8(b) states that the consent holder shall notify NRW as soon as practicable after a receipt of an overflow telemetry warning, that operation of the emergency overflow has taken place.

Thank you.

End

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.