

Compliance Assessment Report CAR_NRW0037028

Permit being assessed: BP0054701

For: SOUTHGATE STW HEAL LANE SOUTHGATE, held by DWR CYMRU CYFYNGEDIG
At: SOUTHGATE STW, HAEL LANE, SOUTHGATE GOWER, , , .

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number: 2005494).

On 24/09/2020, between 16:00 and 16:30.

Parts of permit assessed: Management and Operations

NRW Lead Officer: Sarah Bennett.

Report sent to: Dwr Cymru, CARS inbox, on 13/10/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-A1 - Management - General management	C3 Minor	1.1.1 (a)
WQ-B1 - Operations - Permitted activities	C3 Minor	2.2.1

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

2. What action is required?

Criteria	Action needed	Complete by
WQ-A1	Assess your management procedured and schedule for inspecting and maintaining the sewage treatment works outfall in order that it doesn't get into a state of disrepair.	18/12/2020
WQ-B1	Take steps to ensure that the final effluent is discharged at the permitted discharge point only.	30/04/2021

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 17 August 2020 DCWW reported to NRW that the outfall from Southgate STW was damaged and final effluent was leaking onto the rocks and beach between high and low mean water at a small beach known as Foxhole. I inspected the outfall on the 24 September and could see that the final effluent was escaping from underneath the pipe some 250 metres from the end of the pipe.

This discharge is occurring in breach of the following permit conditions

1 Management

1.1 General management

1.1.1 The operator shall manage and operate the activity:

(a) in accordance with a written management system that identifies and minimises risks of pollution so far as is reasonably practicable, including those risks arising from operations, maintenance, accidents, incidents, non-conformances and those drawn to the attention of the operator as a result of complaints;

2 Operations

2.1 Permitted activities

2.2 The site

2.2.1 The discharge activity 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.

Table S3.2 Discharge point NGR SS 55370 86890. Secondary treated sewage effluent to the coastal waters of Oxwich Bay.

These breaches are 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 am issuing a Warning for this offence.

The outfall has been patch repaired a number of times over the years, however, the repairs often fail or the pipe breaks elsewhere. Access to the outfall is difficult and subject to tidal conditions. Some sections of the pipe have become exposed and are vulnerable to further damage. My understanding is that complaints about the leaking outfall have been made directly to DCWW from members of the public. Whilst there is no designated bathing water at Foxhole, it is popular with local people for rock pooling, sunbathing and swimming.

Action 1: Please take steps to permanently repair the pipe so that it does not repeatedly discharge at the wrong location. I appreciated that, due to the difficult working environment and sensitivity of the land, planning this will take some time and that a Marine Licence will probably be required. I would advise you to apply for a Marine Licence as soon as possible as the determination time is likely to be around 4 months. You can access information on Marine Licencing on the NRW website.

Action 2: Please assess if the inspection and maintenance programme for the final effluent outfall minimises the risk of pollution and permit conditions breaches. The maintenance of the outfall is integral to your ability to comply with the water discharge activity permit so it cannot be regarded as totally separate from the general management of the activity. The maintenance of the outfall should therefore be included in the management system as described in Condition 1.

Thank you.

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.