

Compliance Assessment Report CAR_NRW0037488

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: Report/Data Review, Reason: Other.

On 04/02/2021.

Parts of permit assessed: Nature and Telemetry

NRW Lead Officer: Sarah Bennett.

Report sent to: Dwr Cymru, CARS inbox, on 04/02/2021.

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	Condition 1 & 2 Nature
WQ-D3 - Information - Notifications	C3 Minor	Condition 8(b) Telemetry

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	Action #1: Please provide NRW with a written plan of action on how you are going to stop the non-emergency discharges from occurring. The report should include timescales.	31/03/2021
WQ-D3	Action #2: Please notify NRW when an operation of the emergency overflow has taken place, including when it has operated outside of emergency conditions. The notifications should be in the form of a Watpol.	28/02/2021

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.

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

Subject of Compliance Assessment Report – Emergency Overflow operating in storm conditions

The receiving water

Caswell Bay is a designated bathing water with a Blue Flag. It is popular for bathing and water sports throughout the year and is home to Surfability UK.

What is happening

Caswell Car Park Sewage Pumping Station (SPS) has a permit to discharge sewage to Caswell Bay in an emergency, but it has become evident that the emergency overflow is operating during periods of very heavy rainfall and storm sewage is being discharged into the sea via the small stream at the head of the beach.

When did this happen

Using data NRW requested from DCWW for the period between 1 January 2020 and the 16 July 2020 it has been established that storm sewage discharges occurred on 8 occasions during this period.

Further storm discharges also occurred on the 26 October 2020, 16 January 2021, 20 January 2021 and 28 January 2021. These discharges were reported as incidents to NRW's Incident Hotline.

Why is it doing this and what is being done about it

My understanding is that the sewerage system at Caswell Car Park is becoming hydraulically overloaded with surface water draining from the tarmac carpark and the highways. On some, or possibly all these occasions, the sewerage system is also receiving a proportion of an ephemeral watercourse that runs down Caswell Valley, over the carpark and into the drains connected to the DCWW sewerage network. It is likely the roofs of the toilets and changing rooms are also draining to the sewerage system. The result is that Caswell Car Park SPS gets hydraulically overloaded and discharges via the emergency overflow. In addition, the excessive flows being pumped forward hydraulically overload Caswell Hill SPS which then gets overwhelmed and overflows. Caswell Hill SPS does not have an Emergency or Storm Overflow.

I understand the discharges (or a proportion of each discharge) that occurred on the 16, 20 and 28 January were as a result of temporarily turning off the pumps at Caswell Car Park SPS in order to prevent the flooding of property from Caswell Hill SPS.

DCWW have already investigated the hydraulic overloading and are actively working with Swansea Council on a plan to remove the surface water from the sewerage system.

Removal of surface water from the network is likely to be the only viable option in this location. Using less sustainable solutions, such as increasing the flow being passed forward from Caswell Hill SPS or building large storage tanks, should be avoided. The addition of a

permitted storm overflow at Caswell would not be an appropriate solution to this issue because it would present a significant risk to public health and bathing water compliance.

Non-compliance with the Permit

I believe DCWW is not compliant with the following conditions of the Permit:

(1) The discharge shall consist solely of sewage in an emergency.

(2) 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 of 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 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. There shall be no undue delay on the part of the consent holder to remedy any such failure or breakdown.

On occasions DCWW has also not complied with the following condition of the Permit:

(8) The consent holder shall notify the Agency as soon as practicable after receipt of an overflow telemetry warning that operation of the emergency overflow has taken place.

Offence

These non-compliances 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.

Please take any Advice and Guidance given in this CAR as formal.

Actions required

Action #1: Please provide NRW with a written plan of action on how you are going to stop the non-emergency discharges from occurring. The report should include timescales.

Action #2: Please notify NRW when an operation of the emergency overflow has taken place, including when it has operated outside of emergency conditions. The notifications should be in the form of a Watpol.

Advisory

It is possible that a natural solution, or partial natural solution, could be used to manage the surface water that is impacting on the sewerage system, in particular the ephemeral stream emerging from Caswell Valley. This could be discussed further with NRW and the LA.

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.