

## Compliance Assessment Report CAR\_NRW0039081

**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:** Report/Data Review, Reason: Incident Response  
(Incident number: 2109699).

On 29/11/2021.

Parts of permit assessed: Operations

**NRW Lead Officer:** Sarah Bennett.

**Report sent to:** CARS@dwrwymru.com, CARS Mailbox, on 22/12/2021.

### 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	2.1.1

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

### 2. What action is required?

Criteria	Action needed	Complete by
WQ-B1	<p>Action #1: Ensure that the inlet pumps can remain fully operational during and after a mains power failure.</p> <p>Action #2: Investigate why the alarm, the purpose of which is to warn that there is an issue at the works, did not result in attendance.</p> <p>Action #3: Review if the alarm priority level setting is appropriate.</p>	31/03/2022

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

On the 29<sup>th</sup> November 2021 NRW was informed by telephone that there had been an issue at Southgate STW triggered by a disruption to the mains power supply during Storm Arwen.

NRW then received an OPNOT on the 29<sup>th</sup> November at 15:50 containing the following information. 'Power outage caused influent pump failure, flows naturally gravitated to old process tank which then spilled to the FE Point untreated for an unknown period of time. Influent pumps now running and flows returned through the process and site is currently compliant. Flows from old process tank will be returned gradually over the next few days. On site monitoring to ensure it doesn't affect compliance. No expected environmental impact. Influent pumps returned to service and flows returned through the process. Date and time of occurrence 29/11/2021 15:00:00'.

NRW then received a Watpol at 15:55 containing the following information. 'The Influent pumps failed on the 27/11/2021 at 4am which we believe was caused by the pumps failing to reset after a power dip due to Storm Arwen. The influent backed up through the system and naturally gravitated to the old process tank on site which then spilled to the FE point untreated for an unknown period of time. The incident was picked up this morning which is when we first became aware of the issue, the operator attended site and reset the influent pumps and the flow was returned back through the process. The site is now within compliance and incident has been resolved'.

However, it is my understanding that an alarm was raised on the 26<sup>th</sup> or 27<sup>th</sup> November, but the alarm did not trigger any attendance at the works.

Furthermore, neither the OPNOT nor the WATPOL make it clear that the outlet pumping station continued to operate and that the continued operation resulted in a discharge of partially treated effluent to the sea via the outfall pipe. The level of treatment provided would have been screening and some settlement in the old process tank. The outfall pipe is fractured at the top of the beach so it is very likely that the partially treated effluent would have also been discharged above mean low water. See CAR\_NRW0037028 for more information on the defective outfall pipe.

The discharge of partially treated effluent caused a low level incident, details of which are recorded under Incident Reference Number 2109699.

Condition 2.1.1 of the Permit states that 'The only activity authorised by the permit is the activity specified in schedule 1 table S1.1. Discharge secondary treated sewage effluent via Outlet 1'. The discharge that occurred between the 27<sup>th</sup> and 29<sup>th</sup> November 2021, which was not secondary treated, contravened this permit condition.

Under Regulation 38 (2) of the Environmental Permitting Regulations 2016, it is an offence for a person to fail to comply with or to contravene an environmental permit condition.

Please carry out the actions outlined above and any other actions you deem necessary to prevent a similar non-compliance from happening in the future.

Please take my advice and guidance as formal advice and guidance.

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.