

Compliance Assessment Report CAR_NRW0039125

Permit being assessed: AN0308501

For: CARDIFF EAST DISTRICT LONG OUTFALL, held by DWR CYMRU CYFYNGEDIG
At: CARDIFF EAST DISTRICT, PUMPING STATION LONG OUTFALL, ROVER WAY,
CARDIFF, .

Type of assessment carried out: Audit, Reason: Incident Response (Incident number: 2100123).

On 04/01/2021.

Parts of permit assessed: Relevant conditions

NRW Lead Officer: Hannah Jenkins.

Report sent to: CARS Mailbox, CARS Mailbox, on 31/12/2021.

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	Conditions 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	Action already taken by operator	31/12/2021

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

Incident summary and actions taken provided by Sam Hampson DCWW Pollution Technician via email 14/02/2021:

"Incident report for instrument failure at Eastern District Pumping Station: On the 5th

January 2021 Sam Hampson had a conversation with an Above Grounds Assets supervisor concerning an spill from eastern district pumping station on 04/01/2020. It was established the incident had not yet been reported to NRW.

Sam Hampson had an Email conversation with senior NRW officer Hannah Jenkins who agreed the best approach would be to submit a retrospective self report WATPOL for the incident, with a follow up in depth report to be submitted to Hannah.

On 8th January 2021, the Self Report WATPOL was submitted via the DCWW Smarthub to ICC.

Incident

On 4th January 2021, an instrument within the programmable logic controller (PLC) failed and had to be replaced at Cardiff Wastewater Treatment Works, after this had been installed the entire PLC had to be reset. During the reset the penstock at Eastern District Pumping Station (EDPS) lost its setpoint and went into failsafe mode shutting to 0%. When the penstock closed it resulting in the flow being sent out to the Severn estuary between the hours of 09:30 and 17:30

The failsafe setting altering to 0% was unforeseen by the operatives and should not have been the failsafe setting for the penstock. The operatives were confident at the time that this reset would not pose any sort of issue, an OPNOT was not issued for the work.

Remedial action

- The failsafe mode of the penstock on the PLC has been amended to retain the penstock setting which was active before losing communication. So, if the setting for the penstock was at 50% before losing communication from Cardiff wastewater treatment facility, it would retain this setting while out of communication, until communication is fully restored.
- A new alarm has been added to the pumping station – if the penstock at EDPS moves out of position greater than 10% either way a high-level alarm will be raised at the Cardiff operations control room.
- Added to dynamic testing – A 12 monthly dynamic testing planned maintenance schedule has been added, ensuring the alarms are working correctly and that the failsafe mode is also correct.
- We have reviewed the incident with the supervisors at Cardiff Wastewater treatment facility and agreed that going forward an OPNOT should be sent before any major changes to the PLC are carried out.
- This incident will receive a full inhouse review with multiple teams to share learning with the wider business."

Compliance assessment & comment:

Officer notified Sam Hampson that the discharge would be not be in compliance with permit conditions via email, clarity was also sought regarding which outfall was active during the incident, officer latterly informed that this was unable to be determined therefore non-compliance has been assessed against permit AN0308501 'discharge via the long sea outfall' rather than duplicating the offence.

On assessment against permit conditions, it has been determined that the situation is not covered by the allowances within the permit for the discharge of 'Sewage in an Emergency' and is therefore in contravention with permit conditions 1 & 2 of schedule 2 of the permit. The discharge has been assessed as a Category 3 non-compliance against Condition 1; the incident WIRS ref: 2100123, was categorised as 'low level incident'.

Action has already been taken to prevent a reoccurrence of this incident as detailed in the incident summary report, however it could be expected that the remedial action taken following this incident should have been in place prior to the incident due to the critical nature of this asset in the Cardiff catchment.

Please note that this Compliance Assessment Report (CAR) contains a warning for this offence.

Should you have any queries please contact Hannah Jenkins, Senior Officer, Cardiff & Vale Environment Team; direct email: hannah.jenkins@cyfoethnaturiolcymru.gov.uk

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.