

Compliance Assessment Report CAR_NRW0039449

Permit being assessed: AN0021801

For: BARRY TWN PS LSO ISLAND CAR PARK, held by DWR CYMRU CYFYNGEDIG
At: BARRY TOWN PS LSO, ISLAND CAR PARK, BARRY, VALE OF GLAMORGAN, CF62 5QR.

Type of assessment carried out: Report/Data Review, Reason: Incident Response (Incident number: 2106780).

On 13/09/2021.

Parts of permit assessed: Condition 4

NRW Lead Officer: Adam Evans.

Report sent to: CARS mailbox, CARS mailbox, on 09/03/2022.

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	Action only (X)	

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	Provide information requested in action list.	08/04/2022

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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

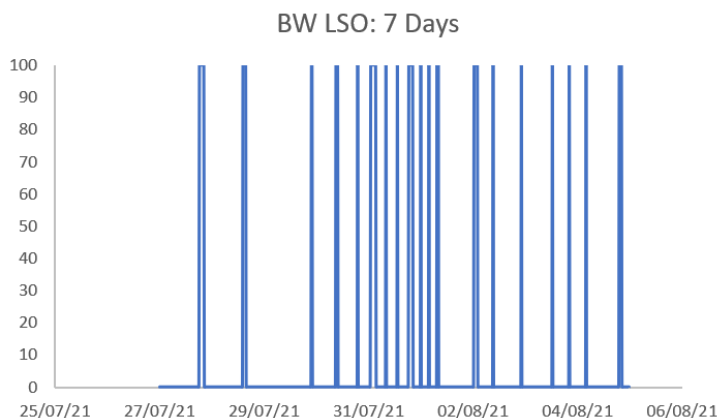
4. Details of our assessment

On Wednesday 4th August, NRW took a bathing water sample at Jackson's Bay, Barry, where the sample tested 1200 c/100ml for confirmed Intestinal Enterococci (IE) and 220c/ml for E.coli. This resulted in a high bathing water sample exceedance for IE and E.coli for that sample (WIRS: 2106780).

Since the results were confirmed, NRW began investigating potential causes/sources of the failure. On 12/08/2021, Environment Officer, Adam Evans, requested that DCWW provided a week's worth of EDM 15-minute flow data, for assets that could impact the sample, for 7 days leading to and including 04/08/2021.

DCWW provided the requested data on 13/09/2021 (ref. EIR/892/2021).

The data submitted has since been reviewed by NRW officers and there is more information needed, regarding the Barry LSO (Long Sea Outfall), permit number AN0021801. Barry LSO appears to spill daily during the week leading up to 04/08/2021 (bathing water sample). This is shown in the graph plotted below:



Condition 4 of the permit, that states, *“The discharge shall occur only when the rate of flow in the sewer at the inlet sewer exceeds 771 litres per second due to rainfall and/or snowmelt”*.

The nearest NRW rain gauge is located at Cog Moors, approximately 5km away to the North East. This rain gauge did not record any rainfall on the 2nd, 3rd and 4th August, yet according to the spill data the asset has recorded several spills in that timeframe.

DCWW provided supporting information regarding the Barry LSO data stating, *“EDM data and discharge mechanism currently under investigation”*. The EDM summary data return for 2021 also stated *“Further work needed on discharge mechanism, revisit planned for 2021”*

Could DCWW please provide details on these investigations and provide an explanation for the pattern in the data submitted (please refer to actions list).

Actions:

Please provide the following information:

1. Details on the investigation regarding the Barry LSO.
2. An explanation for the pattern of data between 02/08/2021 and 04/08/2021.
3. Evidence to show that the LSO was operating within its permitted conditions between 28/07/2021 and 04/08/2021?

Deadline for the above actions – Friday 8th April 2022.

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.