

## Compliance Assessment Report CAR\_NRW0039448

**Permit being assessed:** AN0316901

For: FORMER BUTLINS HOLIDAY CAMP FRIARS, held by DWR CYMRU CYFYNGEDIG  
At: FORMER BUTLINS HOLIDAY CAMP, FRIARS ROAD, BARRY ISLAND, BARRY VALE OF GLAMORGAN, CF62 5TN.

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

On 13/09/2021.

Parts of permit assessed: Conditions 1 & 2

**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	Please provide the information requested in the actions 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.**

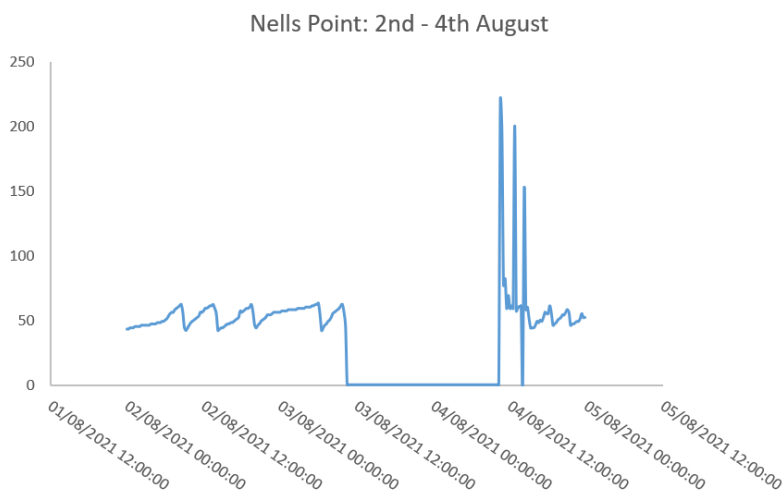
### 4. Details of our assessment

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 Nells Point SPS, permit number AN0316901. Nells Point SPS appears to spill on 04/08/2021 (bathing water sample). This is shown in the graph plotted below:



Condition 1 of the permit states, *"The Discharge shall consist solely of sewage in an emergency"*.

Condition 2 of the permit states, *"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 or 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 the downstream sewer not due to the act of the Consent Holder, its agents, representatives, officers, employees or servants;*

*and is not reasonably practicable to dispose of sewage otherwise. There shall be no undue delay on the part of the Consent Holder in remedying any such failure or breakdown."*

The data flatlines at zero before appearing to spill. DCWW supplied the following statement when then data was requested:

*"Asset acts as Emergency Overflow. Wet well level flatlined between 3 and 4th August, followed by three spikes on 4th August. Information gathered from telemetry alarms and operational team confirms that level controller failed at that time. Operator visiting the site observed normal level in the wet well and took action to pumped it down further. Level controller was subsequently promptly replaced. No further issues or any discharges were identified at the site at that time. Level data between 3-4th August is considered unreliable, it is not uncommon for erratic data to occur during the installation of the monitoring equipment, e.g. due to calibration. Data outside this period is reliable."*

## **Actions:**

Please provide the following information:

1. Evidence that the asset did not spill between the 3<sup>rd</sup> and 4<sup>th</sup> August 2021 (when the level controller was faulty i.e. photos or further data).

2. Evidence that the asset did not spill during the level spikes on 4<sup>th</sup> August 2021 (i.e. photos or further data).
3. A copy of any report(s) or investigation(s) regarding the sensor replacement and the data pattern.
4. An explanation as to why the wet well was pumped down if the levels were deemed normal.

**Deadline for providing the above information – Friday 8<sup>th</sup> 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](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.