

Schedule 5 - Notification

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

If any information is considered commercially confidential, it should be separated from non-confidential information, supplied on a separate sheet and accompanied by an application for commercial confidentiality under the provisions of the EP Regulations.

Part A

| | |
|--------------------------------|-------------------------------------|
| Permit Number | EPR/DB3131AF |
| Name of operator | MILLER ARGENT (SOUTH WALES) LIMITED |
| Location of Facility | MERTHYR TYDFIL |
| Time and date of the detection | 02/01/14 09:00, 09/01/14 09:00 |

(a) Notification requirements for any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution

To be notified within 24 hours of detection

| | |
|--|-----|
| Date and time of the event | N/A |
| Reference or description of the location of the event | |
| Description of where any release into the environment took place | |
| Substances(s) potentially released | |
| Best estimate of the quantity or rate of release of substances | |
| Measures taken, or intended to be taken, to stop any emission | |
| Description of the failure or accident. | |

(b) Notification requirements for the breach of a limit

To be notified within 24 hours of detection unless otherwise specified below

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|---|--|
| Emission point reference/ source | WI LAGOON, WB LAGOON, WC LAGOON |
| Parameter(s) | SUSPENDED SOLIDS |
| Limit | 50 PPM |
| Measured value and uncertainty | WI = 96 PPM (LAB) WB LAGOON = 78 PPM (LAB) |
| Date and time of monitoring | WI = 18/12/13 (21:00) WB = 19/12/13 09:00 |
| Measures taken, or intended to be taken, to stop the emission | WI SUMPS CLEANED OUT & ENLARGED, WC & WB RARELY DISCHARGE. |

WC = 06/01/14 09:00
WC LAGOON = 114 PPM (LAB)

| Time periods for notification following detection of a breach of a limit | |
|--|---------------------|
| Parameter | Notification period |
| SUSPENDED SOLIDS | see attached letter |
| | |
| | |

| (c) Notification requirements for the detection of any significant adverse environmental effect | |
|---|-------|
| To be notified within 24 hours of detection | |
| Description of where the effect on the environment was detected | NONE. |
| Substances(s) detected | |
| Concentrations of substances detected | |
| Date of monitoring/sampling | |

Part B - to be submitted as soon as practicable

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| Any more accurate information on the matters for notification under Part A. | see attached letter. |
| Measures taken, or intended to be taken, to prevent a recurrence of the incident | See attached letter |
| Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission | See attached letter |
| The dates of any unauthorised emissions from the facility in the preceding 24 months. | NONE |

| | |
|-----------|--------------------|
| Name* | CHRIS BARBER. |
| Post | OPERATIONS MANAGER |
| Signature | C Barber |
| Date | 13 JAN 2015. |

* authorised to sign on behalf of the operator

16 JAN 2015

Miller Argent (South Wales) Limited
Cwmbargoed Disposal Point Fochriw Road
Merthyr Tydfil CF48 4AE
tel: 0870 111 5600 fax: 01685 845 029

milleraargent

Mr Jeff Edwards
Natural Resources Wales
Rivers House
St Mellons Business Park
St Mellons
Cardiff
CF3 0EY

Your ref:

Our ref:

13th January 2015

Dear Mr Edwards,

Re: Ffos-y-fran Land Reclamation Scheme - Schedule 5 Notification

Further to our meeting on the 4th December 2014 at which we discussed various matters, please find attached the Schedule 5 notification duly completed as agreed. This notification relates to the elevated levels of suspended solids recorded by Miller Argent (South Wales) Limited (MA) at 3No. Consented discharge points over the 2013/14 Christmas period.

As we explained at the meeting, it is recognised and accepted that MA have a duty under Condition 4.3.1 (b) of Permit No. EPR/DB3131AF to notify the NRW immediately of a breach of a limit specified in the Permit. However, a decision was taken at the time by MA not to contact the NRW as it was considered by ourselves that the test criteria of Condition 4.3.1 (c) had not been met (i.e. "any significant adverse environmental effects"), as there were no significant adverse environmental effects to any off site watercourses as a result of the elevated levels of suspended solids leaving any of the consented discharge points on those occasions. Whilst this may have been the case as detailed below, it is now acknowledged unequivocally by MA that the decision not to report the matter to the NRW under Condition 4.3.1 (b) at the time, was wrong as any recorded exceedences of permitted levels would constitute a breach of the permit, irrespective of any mitigating circumstances. We apologise for our misunderstanding which occurred in good faith.

MA take their environmental responsibilities very seriously and as you are aware, have strict environmental measures and stringent procedures in place at the Ffos-y-fran Site. We are proud of our environmental record and operate under an Environmental Management System accredited to ISO 14001 standards, which is the subject of rigorous internal and external auditing processes. A recent internal review of our procedures and records has highlighted 3No. events when elevated levels of suspended solids were recorded and it is now necessary to bring them to the attention of the NRW as the regulatory authority.

I can therefore only apologise for the late notification of these events and would like to stress that it was never the intention of MA to incorrectly report to the NRW in respect of those events, which I hope is evident by the fact that we have self-reported issues on two previous occasions, in June 2009 & November 2010. The decision not to report these recent events were misjudgements on the part of MA and I would be grateful if you could take the following mitigating circumstances into account when considering this matter, for each of these 3No. events described below ;

The first event occurred on the 18th December 2013, which was the last full working week prior to the Christmas break, at WI lagoon. As per Miller Argent's procedure, following an alarm that



the probes were indicating rising levels of suspended solids, a physical sample was taken by the pumpsman from the consented discharge point at WI between 21:00-22:00hrs and was sent to an accredited lab for detailed analysis. The results were received back from the lab during the Christmas period and so were not looked at by MA Environmental Liaison Officer until 02/01/2014, when it was discovered that the sample contained 96ppm of suspended solids. This compared with a reading of 181ppm obtained from the probe at WI, and recorded at the same time as the discharge sample was taken. It should be noted that the readings from the probes are only used to give an indicative result that levels are rising and it is normal for them to give readings well in excess of the absolute values obtained from the lab.

On further investigation of the weather records for the Site, there was 47.4mm of rainfall on that particular day, which was part of an exceptional period of stormy inclement weather during the month of December 2013 when a total of 390mm of rainfall was recorded, some 145% more than the 5 year average.

Additionally, records show that the volume of rainfall falling after 18:00hrs on that day was described by MA Environmental Liaison Officer as 'torrential', which indicates a high rainfall intensity event over a relatively short duration. As a result, at the time the sample was taken all of the surrounding local watercourses were in full spate and running dirty as a result of run off and scouring from outside the Site. Even at a suspended solids figure of 96ppm the water leaving the site was considered to be significantly cleaner than that in the surrounding watercourses and it was felt that any discharge from WI would have little or no environmental impact or effects on the surrounding watercourses.

Due to these circumstances, in particular as there were no significant adverse environmental effects to any off site watercourse, a decision was made by MA not to report this breach at that particular time. As previously stated, it is now acknowledged that the decision not to report the event was wrong.

The second event occurred on 19th December 2013 at WB lagoon. In response to a probe level recorded at 244ppm, a sample was taken by the pumpsman at approximately 09:00hrs and sent to an accredited lab for analysis to test for suspended solids as per our procedure. Again, the results were received back during the Christmas period and so were not looked at by MA Environmental Liaison Officer until 02/01/2014 when it was discovered that the sample contained 78ppm of suspended solids.

The catchment for WB was, and currently still is, the excavation void and WB only discharges when water is pumped from the sump at the base of the void. As pumping was not taking place from the void over the whole of the Christmas period, it was not the intention of MA to discharge any water from WB at this time. As a result, WB had a very low flow at the time the sample was taken, and the flow was described as 'insignificant' by the Environmental Liaison Officer. The only source of water feeding WB at this time was as a result of the rain falling directly into the lagoons and from the stone access roads immediately surrounding the lagoons.

As a result of the heavy rainfall the previous day (47.4mm) and overnight, the surrounding watercourses were swollen and due to the insignificant flow from WB, amounting to a trickle, it was considered by MA that there would be no significant adverse environmental effects to any off site watercourses due to the volume of water in them, which was why the company made the incorrect decision not to report the event at the time.

The third breach occurred on the 6th January 2014 at WC lagoon. In response to a probe level of 259ppm a sample was taken at approximately 09:00hrs by the pumpsman and sent to an accredited lab for analysis to test for suspended solids as per our procedure. The results returned from the lab recorded a suspended solids level of 114ppm.

WC was only used at the commencement of operations at Ffos-y-fran to treat run-off from soil stripping and preliminary site operations. WC is not used to treat any run off from the current operations and no water is directed through this system, as was the case at the time of this event. As a result, MA did not intend to discharge any water from WC which had a very low flow at the time the sample was taken; the flow was described as a 'trickle' and 'insignificant' by the MA Environmental Liaison Officer. The only source of water feeding WC at this time was as a result of any rain falling directly into the lagoons and from the stone access roads immediately surrounding the lagoons.

Our investigations show that there had been heavy rainfall the previous day (34.2mm) as well as further rain overnight. Since the 1st January 2014 128.4mm of rainfall had been recorded in one of the worst periods of rainfall on record, immediately following the significantly high levels of rainfall in December 2013. (145% more than the 5 year average).

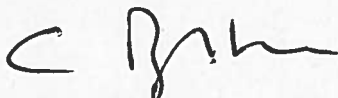
WC therefore had a very low flow, described as an insignificant trickle, and as such MA felt that there would be no significant adverse environmental effects to any off site watercourses due to the volume of water in them, essentially WC could be considered to be not discharging, which was why the company made a wrong decision not to report the event at the time.

In conclusion therefore, in hindsight MA are disappointed that these events were not reported to the NRW at the time they occurred, in particular given the open relationship MA have demonstrated to your Officers in the almost 10 years of operations at Ffos-y-fran. We have always made any information available to you on request to enable you to carry out your statutory duties and will continue to do so. It is particularly frustrating, given the level of mitigation we have presented here, that these events could, and should, have been reported, fully discussed and investigated by your Officers at the time to give you a better understanding of the challenging conditions prevailing at the time, both on site and in the surrounding watercourses.

Please rest assured that measures have been put in place to ensure that the chance of any future similar events occurring are minimised, and that MA are fully aware of their responsibility to report any future events in accordance with Condition 4.3.1 (b) of the Permit.

We look forward to hearing from you however, if you require any further information in the meantime or require any further clarification, please do not hesitate to contact me.

Yours sincerely,



Chris Barber
(Operations Manager)

