

Compliance Assessment Report CAR_NRW0040127

Licence being assessed: 21/57/22/0009.

For: Transfers Reservoirs A, b & C Abstraction from Reservoir D, held by Merthyr (South Wales) Limited.

At: Four Reservoirs, CF48 4AH.

Type of assessment: Site Inspection, Reason: Routine.

On 11/05/2022, between 10:10 and 13:00.

Parts of licence assessed: all

NRW Lead Officer: Natalie Wrangham, accompanied by Sarah Jones.

Report sent to: Chris Barber, Operations manager, on 14/07/2022.

1. Summary of our findings (full details in section 4)

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-A1 - Abstraction specified by licence - Source of supply	C3 Minor	1 and 2
WR-A3 - Abstraction specified by licence - Means of abstraction	C4 No impact	3
WR-A4 - Abstraction specified by licence - Purposes of abstraction	C4 No impact	4
WR-A6 - Abstraction specified by licence - Quantities	C3 Minor	7

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

2. What action is required?

Criteria	Action needed	Complete by
WR-A1	Licence variation to reflect correct abstraction locations	31/01/2023
WR-A3	Licence variation	31/01/2023
WR-A4	Licence variation	31/01/2023
WR-A6	Licence variation	31/01/2023

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 or civil sanctions being imposed depending on the circumstances of the offence.

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

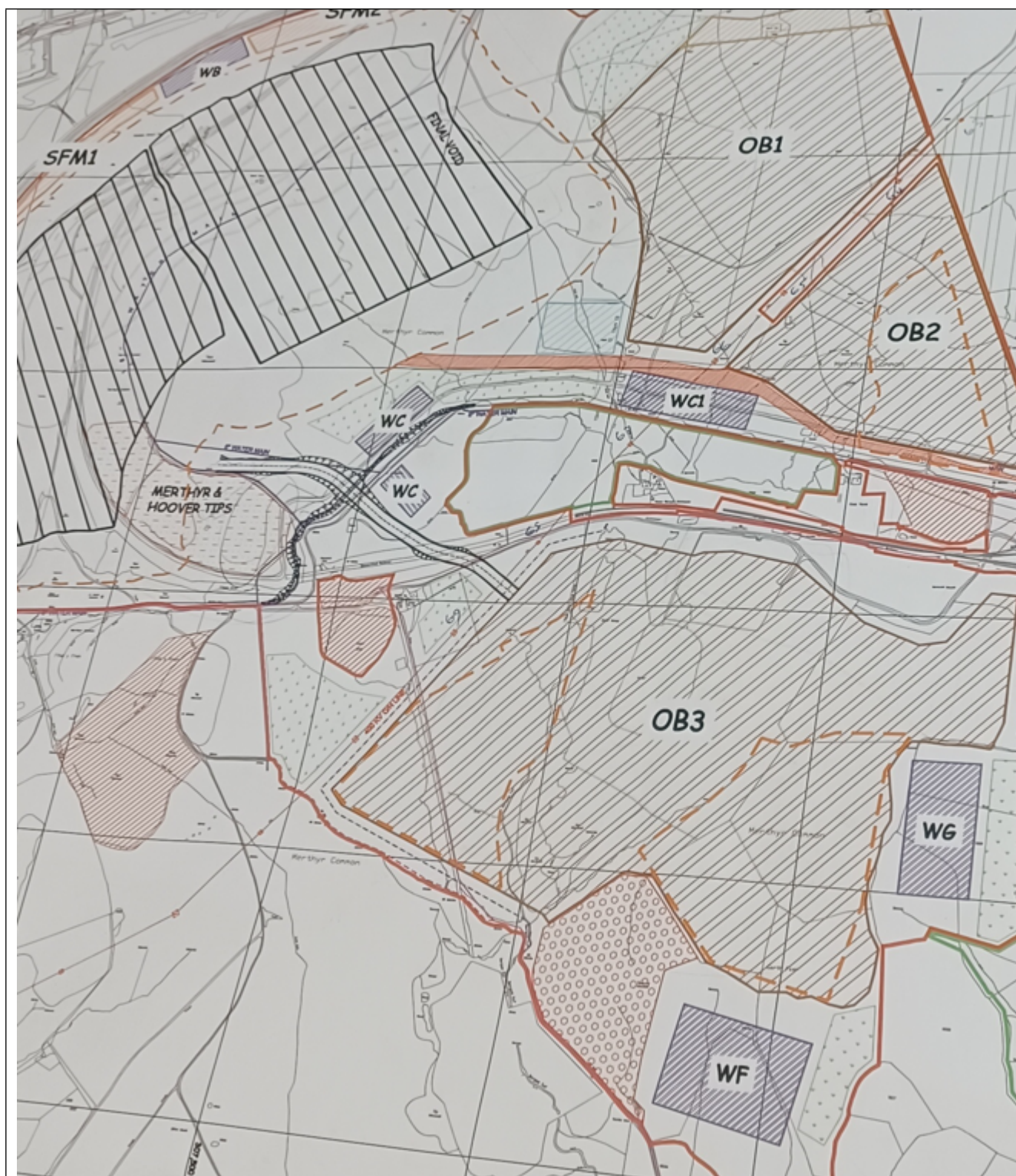
Officers Natalie Wrangham and Sarah Jones attended Merthyr (South Wales) Limited ffor y fran land reclamation scheme site on Fochriw road at 10.10am on 11/05/2022. We met with Chris Barber, currently operations manager.

Purpose of the visit was a compliance check for licence 21/57/22/0009 and to check abstractions applied for under new authorisations application. This report only contains information relating to the compliance inspection.

When discussing the existing licence with Chris Barber he advised that the licence as written was no longer correct. He advised that 2-3 of the abstraction points detailed on the licence were no longer in use and that water was transferred from Rhaslas Pond (abstraction licence WA/057/0022/002) over to one of the lagoons for use on site. A lot of the water on site is recirculated through other lagoons for subsequent use in the washing plant, dust suppression and vehicle washdown. I advised Chris that the licences would need to be varied to reflect the current abstractions and water use on the site.

Andrew Stuart then showed me around the re-circulation lagoons. Near the lagoons was a green tank, which was previously filled for bowzers to fill from for dust suppression, however Andrew explained that the valve is currently broken and this is not currently used. There were 4 ponds (related to settlement for the discharge permit) which are filled by rainwater and runoff water. Water from here is directed as needed, some to fill tanks for vehicle washing and dust suppression, other times it is directed to the coal wash. Water in these lagoons is treated to help settlement and to stabilise pH to between 7-8.

The abstracted water from Rhaslas pond is transferred to pond WC1 (see map below) for subsequent re-abstraction for dust suppression. WC1 does not appear to correlate with any currently licensed abstraction point.



Chris Barber has been advised that Merthyr (South Wales) Limited will need to apply to vary their licence in order to come back into compliance. It is also possible that licence WA/057/0022/002 will also require a variation as a result of current site activities.

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 licence is issued to you under the Water Resources Act 1991 as amended by the Water Act 2003. You have a responsibility to comply with the conditions of your licence 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.

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 resource action criteria (used in section 1 and 2):**WR A: Abstraction specified by Licence**

- WR-A1 Source of supply
- WR-A2 Points of abstraction
- WR-A3 Means of abstraction
- WR-A4 Purposes of abstraction
- WR-A5 Period of abstraction
- WR-A6 Quantities
- WR-A7 Land
- WR-A8 Other specified on licence

WR B: Abstraction measurement and records

- WR-B1 Means of measurement
- WR-B2 Recording
- WR-B3 Reporting

WR C: Surface / Groundwater level and protected flow

- WR-C1 Minimum hands-off flow/level requirements
- WR-C2 Flow/level measurement devices
- WR-C3 Recording
- WR-C4 Reporting

WR D: Environmental monitoring and information

- WR-D1 Recording
- WR-D2 Reporting
- WR-D3 Notifications

WR E: Fish and eel passage

- WR-E1 Infrastructure specified by licence
- WR-E2 Maintenance and records

WR F: Discharge

- WR-F1 Point of discharge
- WR-F2 Infrastructure
- WR-F3 Measurement
- WR-F4 Recording
- WR-F5 Reporting

WR G: Impoundment specified by licence

- WR-G1 Inland water to be impounded
- WR-G2 Manner and extent of impoundment
- WR-G3 Point(s) of impoundment
- WR-G4 Construction and removal requirements
- WR-G5 Other specified on licence

WR H: Borehole infrastructure

- WR-H1 Infrastructure and accessibility
- WR-H2 Maintenance and calibration

Enforcement response

Any licence condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution or civil sanctions. 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 (Mon to Fri 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.