

Compliance Assessment Report CAR_NRW0041977

Permit being assessed: CB3594FF

For: A465 section 5 and 6 Dowlaid Top to Hirwaun x 3 Locations, held by FCC Construcción S A, UK BRANCH OFFICE

At: Orbit Business Centre, Rhydycar Business Park, Merthyr Tydfil, CF48 1DL.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number: 2302516).

On 05/04/2023, between 16:33 and 17:20.

Parts of permit assessed: 3.1.2 The limits given in schedule 3 shall not be exceeded.

NRW Lead Officer: Emily Roe01, accompanied by: Paul Latham.

Report sent to: Sam Taylor, Environmental and Sustainability Manager, on 19/06/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-C1 - Emissions and monitoring - Emissions to water	C1 Major	3.1.2 The limits given in schedule 3 shall not be exceeded.

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

2. What action is required?

Criteria	Action needed	Complete by
WQ-C1	Repair and maintain siltbuster to ensure the discharge meets permitted requirements.	Already completed

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 the 5th of April 2023, Natural Resources Wales attended a reported incident in Merthyr Tydfil following a report of silt in the Taf fechan. Inspection of the river showed a concentration of suspended solids causing a brown discolouration across the full width of the watercourse. The source of the pollution was found to be from the siltbusters as Gurnos Farm discharging water contaminated with suspended solids into the watercourse.

Breach of the permitted Suspended Solids from Gurnos Cut/Farm following incident response on 5/4/2023

Analysis of the sample demonstrated condition 3.1.2, limits given in schedule 3, had been breached: The discharge shall contain no more than 25 mg/l of suspended solids. The sample result provided a result of 44300 mg/l

Report submitted by Sam Taylor to NRW on 12/04/2023 states the following measures were taken:

- pH testing of ponds to allow us to dismiss this as a source of the siltbuster issue (pH fluctuations can affect binding in the mixer tank). This has shown to be normal so silt loading in the incoming water is the likely cause.
- Improved sump created on site with additional filter material to improve the quality of the water entering the siltbuster/water management.
- Siltbuster engineer on site to inspect siltbuster unit and all dosing settings. No significant flaws identified.
- Ponds have been drained and allowed to refill, with a trial of the siltbuster taking place within the closed system. This trial was successful.
- Discharge to watercourse has recommenced. Testing undertaken (14.9NTU) and photos attached showing quality achieved.

Further actions to be undertaken to help prevent reoccurrence:

- Pond maintenance (removal of settled silt) will be undertaken across site to reduce silt levels and improve capacity/quality of water within the ponds.
- Sump area will be regularly checked for any maintenance requirements to maintain water quality entering ponds.

Actions

- Repair and maintain siltbusters to ensure the discharge meets permitted requirements.
- Ensure ongoing maintenance of siltbusters

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.