

## Compliance Assessment Report CAR\_NRW0043035

**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: 2308663).

On 09/11/2023, between 13:35 and 14:45.

Parts of permit assessed: 3.1.2 and 2.3.1

**NRW Lead Officer:** Emily Roe01, accompanied by: Paul Latham, Callum Murray, Ceri Malone.

**Report sent to:** Sam Taylor, Environmental and Sustainability Manager, on 19/12/2023.

### 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.
WQ-B3 - Operations - Operating techniques	C1 Major	2.3.1 The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by Natural Resources Wales.

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	Ensure capacity in attenuation ponds. Enhanced monitoring required.	Already completed
WQ-B3	Must be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2 - NRW Management Plan	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 9th of November 2023, Natural Resources Wales attended a reported incident in Merthyr Tydfil following a report of silt in the Taf Fechan. The source of the pollution was the attenuation ponds overtopping at Gurnos farm, discharging water contaminated with suspended solids into the watercourse.



Breach of the permitted suspended solids from Gurnos farm following incident response on 9/11/2023

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 1980mg/l

Report submitted by Sam Taylor to NRW on 10/11/2023 states the following measures were taken:

We have taken immediate action to reduce the flow and silt sources as much as possible (at time of writing we are back into compliance), and are continuing with further action to split clean from dirty, whilst

concurrently taking steps to increase the capacity of our water management at this location.

**Immediate actions taken:**

- As you were aware at the time of identification, all works on site were stopped (earthworks activities were already on stop due to the weather). This will not recommence until corrective actions have been agreed with you.
- Full site inspection and meeting undertaken with site team to implement and identify immediate, short and long term actions to rectify the existing issue, but also prevent reoccurrence.
- All existing pumping activities were ceased to reduce the influx of suspended solids. Some of these pumps have been repositioned to divert site water around problem areas reducing silt further.
- Areas seen to be causing particular problems have been filled with clean stone or backfilled (it was good to see this being undertaken by the site teams prior to our site inspections).

**Further actions today:**

- Actions taken to divert and/or significantly reduce the volume of the two main point sources.
  - Pipe stopper and Bauer connection installed in headwall to direct water straight to the siltbuster, this will keep it separate from the concrete canvas water (photo of pipe stopper in place below).
  - Diverting highway drainage which was entering our site, getting dirty, and then entering the concrete canvass.
  - 'clean' water can pass the water management system and we can treat only the water that we are getting dirty.

**Planned future actions:**

- Siltbuster units to be upgraded to cope with a greater capacity (aiming at double). The platform is being extended today, and we will get the additional units as soon as siltbuster are able to deliver them.
- Follow up site visit next week to identify any further opportunities for improvement.
- Update management plan to reflect changes

**Actions**

- Ensure adequate capacity in the attenuation ponds
- Enhanced monitoring is required to ensure this isn't a re-occurring issue

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.